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**JOURNAL**

**OF THE**

**INDIANA STATE SENATE,**

**DURING THE**

**THIRTY-SEVENTH SESSION**

**OF THE**

**GENERAL ASSEMBLY,**

**COMMENCING JANUARY 6, 1853.**

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# JOURNAL OF THE SENATE

DURING THE

THIRTY-SEVENTH SESSION OF THE

## GENERAL ASSEMBLY OF THE STATE OF INDIANA,

*Begun and held at the Capitol, in the city of Indianapolis, on Thursday, the sixth day of January, in the year of our Lord one thousand eight hundred and fifty-three.*

The Hon. James H. Lane, Lieutenant Governor of the State of Indiana, and President of the Senate, took the chair and directed a call of the Senators elect: whereupon, the following Senators appeared, produced their credentials, and were duly sworn or affirmed as required by the constitution, by the Hon. James H. Lane, President of the Senate, and took their seats:

From the counties of Adams and Allen—Samuel Edsall.

From the counties of Blackford, Delaware and Grant—Isaac Vandeventer.

From the counties of Bartholomew and Jennings—John L. Spann.

From the counties of Carroll and Clinton—Washington L. Black.

From the counties of Cass, Howard and Pulaski—William C. Barnett.

From the counties of Clay, Sullivan and Vigo—Michael Combs.

From the county of Clark—Thomas W. Gibson.

From the counties of Crawford and Orange—Joseph Cox.

From the county of Dearborn—Richard D. Slater.

From the counties of DeKalb and Steuben—Alonzo W. Hendry.

From the counties of Dubois, Gibson and Pike—William Hawthorn.

From the counties of Fayette and Union—Minor Meeker.

From the county of Floyd—James M. Morrison.

From the county of Fountain—Harris Reynolds.

From the county of Franklin—Giles Gant.

*From the counties of Greene and Owen—Andrew Humphreys.*

*From the counties of Hancock and Madison—Andrew Jackson.*

*From the counties of Hamilton, Tipton and Boone—Newton J. Jackson.*

*From the county of Henry—William W. Williams.*

*From the counties of Huntington and Wells—Theodore Horton.*

*From the county of Hendricks—John Witherow.*

*From the county of Johnson—John W. Kightley.*

*From the county of Jefferson—John H. Sullivan.*

*From the counties of Jackson and Scott—Meedy W. Shields.*

*From the county of Lawrence—John Edwards.*

*From the county of Marion—Percy Hosbrook.*

*From the counties of Miami and Wabash—John Shallenberger.*

*From the counties of Monroe and Brown—Thomas M. Adams.*

*From the county of Morgan—Algernon S. Griggs.*

*From the county of Montgomery—Swan Brookshire.*

*From the counties of Noble, Kosciusko and Whitley—Samuel D. Hall.*

*From the counties of Ohio and Switzerland—William H. Powell.*

*From the counties of Parke and Vermillion—Mathew Simpson.*

*From the county of Putnam—Loyd Glazebrook.*

*From the counties of Randolph and Jay—Theophilus Wilson.*

*From the county of Ripley—Luther Shook.*

*From the county of Rush—Jefferson Helm.*

*From the county of Shelby—George W. Brown.*

*From the county of Tippecanoe—Alexander W. Gordon.*

*From the county of Washington—Townsend Cutshaw.*

*From the county of Wayne—Oliver Butler.*

*From the counties of Warrick, Perry and Spencer—Gaines H. Roberts.*

*From the counties of Warren, Benton, Jasper and White—Elijah Odell.*

On motion by Mr. Black,  
The following resolution was adopted:

*Resolved*, That the Senate now proceed to determine by lot, in such manner, as shall be designated by the President of the Senate, the division of the Senate into two equal classes, in accordance with the 3rd section, 4th article of the Constitution.

On motion by Mr. Brown,  
The vote taken on the adoption of the resolution was reconsidered.  
When,

On motion by Mr. Gibson,  
The resolution was laid on the table.

On motion by Mr. Gibson,  
The Senate proceeded to the election of a Principal Secretary by  
a viva voce vote.

*Those who voted for George L. Sites were,*

Messrs. Adams, Barnett, Black, Brookshire, Brown, Combs, Cox, Cutshaw, Edsall, Edwards, Gant, Gibson, Glazebrook, Grigg, Gordon, Hall, Hawthorn, Helm, Hendry, Horton, Hosbrook, Humphreys, Jackson of Hancock, Jackson of Tipton, Kightley, Meeker, Morrison, Odell, Powell, Reynolds, Roberts, Shallenberger, Shields, Shook, Simpson, Slater, Spann, Sullivan, Vandeventer, Williams, and Wilson of Randolph—41.

Mr. Butler voted for James Vawter, and Mr. Witherow voted blank.

George L. Sites, having received a majority of all the votes given was thereupon declared duly elected Principal Secretary of the Senate, and came forward, took the oath of office, and entered upon the discharge of his duties.

On motion by Mr. Humphreys,

The Senate proceeded to the election of Assistant Secretary by a *viva voce* vote.

*Those who voted for William D. Shepherd were,*

Messrs. Adams, Barnett, Black, Brookshire, Brown, Combs, Cox, Cutshaw, Edsall, Edwards, Gant, Gibson, Glazebrook, Gordon, Hall, Hawthorn, Helm, Hendry, Horton, Hosbrook, Humphreys, Jackson of Hancock, Jackson of Tipton, Kightley, Meeker, Morrison, Odell, Powell, Reynolds, Roberts, Shallenberger, Shields, Shook, Slater, Spann, Sullivan, Vandeventer, Williams and Wilson of Randolph,—39.

Messrs. Butler, Griggs and Simpson voted blank.

Wm D. Shepherd having received a majority of all the votes given was thereupon declared duly elected Assistant Secretary of the Senate; and came forward, took the oath of office, and entered upon the discharge of his duties.

On motion by Mr. Brown,

The Senate proceeded to the election of a Doorkeeper, by a *viva voce* vote.

*Those who voted for William H. Buford were,*

Messrs. Adams, Barnett, Black, Brookshire, Brown, Cox, Cutshaw, Edsall, Gant, Gibson, Glazebrook, Gordon, Hall, Hawthorn, Helm, Hendry, Horton, Hosbrook, Humphreys, Jackson of Hancock, Jack-

son of Tipton, Kightley, Meeker, Morrison, Odell, Powell, Reynolds, Roberts, Shallenberger, Shields, Shook, Slater, Spann, Sullivan, Vandeverter, Williams and Wilson of Randolph—37.

Messrs. Edwards and Griggs, voted for Mr. Eckles.

Messrs. Simpson and Witherow voted blank.

Wm. H. Buford having received a majority of all the votes cast, was thereupon declared duly elected Doorkeeper of the Senate; and came forward, took the oath of office, and entered upon the discharge of his duties.

On motion by Mr. Jackson of Madison,

*Resolved*, That the House of Representatives be informed that the Senate have convened, formed a quorum, elected George L. Sites, Principal Secretary, William D. Shepherd, Assistant Secretary, and Wm. H. Buford, Doorkeeper, and that they are now ready to proceed to legislative business.

Hon. Gaylord G. Barton, Senator from the counties of Knox, Daviess, and Martin, appeared, was sworn in, and took his seat.

Mr. Jackson of Madison, offered the following resolution.

*Resolved*, That the joint rules which were in force for the government of the General Assembly at its last session be adopted by the Senate as the rules of joint action for the present session, and that the House of Representatives be informed of the adoption by the Senate of said joint rules and their concurrence requested therein.

Which was adopted.

The following message was received from the House of Representatives by Mr. Bowes their clerk.

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House has passed the following resolution:

*Resolved*, That the Clerk of this House inform the Senate that the House of Representatives have convened, formed a quorum, elected Oliver B. Torbet, Speaker, William R. Bowes, Principal Clerk, Samuel S. Crowe, Assistant Clerk, J. J. Barrett, Doorkeeper, and are now ready to proceed with the regular business of the session.

The following message was received from the House of Representatives by Mr. Bowes, their clerk:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate, that the House has adopted the following resolution:

*Resolved*, That a committee of two be appointed to act with a similar committee on the part of the Senate, to wait on his Excellency the Governor, and ascertain at what time it will be convenient for him to make his annual communication to the present General Assembly, and report their proceedings to their respective bodies, and that the Senate be informed of the adoption of this resolution, and have appointed Messrs. Dufour and Manville on the part of the House. In which the concurrence of the Senate is respectfully requested.

Which was concurred in by the Senate, and Messrs. Gibson and Edsall were appointed said committee.

On motion by Mr. Adams,

*Resolved*, That the Reporters of newspapers published in the city of Indianapolis, be entitled to seats within the bar of the Senate, for the purpose of reporting its proceedings.

The following Message was received from the House of Representatives by Mr. Bowes, their clerk:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate, that the House have adopted the following resolution:

*Resolved*, That a committee of two be appointed to act with a similar committee on the part of the Senate, to wait upon the Rev. C. W. Ruter, and request him to attend in this Hall to-morrow morning at 9 o'clock, and open the session with prayer, and that the Clerk inform the Senate of the adoption of this resolution, and that Messrs. Farnsley and Walker of Laporte, be appointed as said committee.

Which was reciprocated by the Senate, and Messrs. Adams and Humphreys were appointed said committee.

On motion by Mr. Hosbrook,

*Resolved*, That the Public Printer be directed to lay upon the table of Senators the first volume of the Revised Statutes of 1852.

Mr. Gibson, from a select committee, made the following report:

MR. PRESIDENT:

The joint committee appointed to wait upon his Excellency the Governor, and learn from him at what time he would be prepared to deliver his annual message, have directed me to report that they have discharged the duty assigned them, and that the Governor will be prepared at 2 o'clock this afternoon to deliver his message to both Houses.

On motion by Mr. Sullivan,

*Resolved*, That the Public Printer be requested to place a copy of the acts of the last session of the Legislature, upon the desks of the Senators.

On motion by Mr. Spann,

*Resolved*, That the Doorkeeper be directed to procure and place upon the desks of Senators, the journal of the last Senate, as soon as convenient.

On motion by Mr. Brown,  
The Senate adjourned until 1 o'clock, P. M.

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1 o'clock, P. M.

The Senate assembled.

Mr. Witherow offered the following resolution :

*Resolved*, That the Principal and Assistant Secretaries be authorized to employ one assistant each, and that the names of such assistants when appointed, be reported to the Senate.

Which was adopted.

Mr. Gibson asked and obtained leave to introduce the following bill :

No. 1. A bill to transfer the business pending in the probate courts to the courts of common pleas.

Which was read a first time and passed to a second reading.

Mr. Butler offered the following resolution :

*Resolved*, That the Doorkeeper be authorized to employ two assistants, and that the names of such assistants when employed, be reported to the Senate.

Which was adopted.

Mr. Sullivan moved to suspend the rule and read bill No. 1, a second time now.

The question being shall the rule be suspended,

*Those who voted in the affirmative were,*

Messrs. Barnett, Barton, Black, Brookshire, Butler, Cox, Cutshaw, Edsall, Gant, Gibson, Glazebrook, Griggs, Hall, Hawthorn, Helm,

Hendry, Horton, Jackson of Madison, Kightly, Meeker, Morrison, Odell, Reynolds, Roberts, Shallenberger, Shook, Simpson, Slater, Spann, Sullivan, Vandeventer, Williams, Wilson of Randolph, and Witherow—34.

No person voting in the negative.

So the rule was suspended, the bill read a second and ordered to be engrossed.

Mr. Jackson of Madison offered the following resolution:

*Resolved*, That the Public Printer be directed to furnish at as early a period as possible, for the use of the Senate, one hundred copies of the standing rules and orders, for the Government of, and conducting business in the Senate.

Which was adopted.

When,

On motion by Mr. Gibson,

The vote taken on the adoption of the resolution was reconsidered and the resolution amended by striking out "Public Printer," and inserting "Doorkeeper" in lieu thereof.

The resolution as amended was then adopted.

Hon. George P. R. Wilson, Senator from the county of Harrison, appeared, was sworn in and took his seat.

Mr. Adams from a select committee made the following report:

**MR. PRESIDENT:**

The joint committee appointed on behalf of the Senate and House of Representatives to wait upon the Rev. Calvin Ruter, and request him to attend in the Hall of the House of Representatives, on tomorrow morning at 9 o'clock and open the present session of the General Assembly with prayer; have performed that duty, and have received for answer that he will comply with the request.

Hon. Augustine P. Richardson, Senator from the counties of St. Joseph, Marshall, Fulton and Starke, appeared was sworn in and took his seat.

Hon William R. Greathouse, Senator from the counties of Vanderburgh and Posey, appeared, was sworn in and took his seat.

The following message was received from the House of Representatives by Mr. Bowes their clerk:

**MR. PRESIDENT:**

I am directed by the House to inform the Senate that the House have passed the following resolution:

*Resolved*, That the Senate be invited to attend in the Hall of the House, *instanter*, to receive the annual communication of his Excellency the Governor, and that seats be provided on the right of the Speaker's chair.

The Senate then repaired to the Hall of the House of Representatives, when the following communication was made to the two Houses by his Excellency the Governor:

GENTLEMEN OF THE SENATE,

*and of the House of Representatives:*

We have reason for mutual congratulation in meeting under such favorable auspices.

During the year which has just passed away, the citizens of our State have enjoyed in peace and tranquility, all the blessings vouchsafed by Divine Providence to the most favored people. Under the influence of wholesome laws, and inspired by their own energy, they have made rapid advances in every species of improvement, and have reached an unprecedented degree of prosperity. General health has prevailed, the labors of the husbandman have produced an abundant harvest, and every department of industry has been richly rewarded. We are marching forward with an accelerated step to the attainment of all the elements of moral, political and intellectual greatness.

We have again exhibited to the world the sublime spectacle of a great nation, making a change of the persons placed at the head of its affairs, without disturbing the peace or security of the people in the slightest degree. A revolution has been accomplished without bloodshed and without animosity. The will of the majority of every section of the Republic, has been expressed through the ballot box; and more powerful than armed legions, it has settled all disputes, and quieted all dissensions.

Let us give thanks to the Almighty disposer of events, that our lot has been cast in a land where the utmost freedom of thought and action is found to be compatible with an unhesitating and perfect obedience to the laws.

Though the past has been replete with evidences of the progress and prosperity of the country, yet it has also been saddened with many melancholy events. Some of those who have long been justly distinguished among the ablest and most eloquent in the councils of the nation, have been called from their earthly labors. *Massachusetts* and *Kentucky*, have each been called upon to mourn the loss of an eminent and favorite son. *Indiana* has lost one who filled the first office in the State, during the darkest period in her history, and whose services were of the utmost importance to her credit and character.

These striking admonitions of the transitory course of human life, and indeed, all the circumstances by which we are daily sur-

rounded, call upon us as a christian people to acknowledge our dependence upon *Him* from whom all our blessings flow, and to ask of *Him* wisdom and strength for the performance of our duties; for without *His* assistance, our own efforts will be feeble, and we shall ever be liable to depart from the counsels of our fathers.

This is the first time you have been called upon to meet under the law providing for biennial sessions of the Legislature. Your deliberations will be the more important as you will be required to make the necessary legislative provisions for the next two years. If I properly apprehend your views and those of the people in general, your duties will be chiefly of a revisory character.

It is a matter of regret that the revision of the statutes, performed under the authority of the last Legislature, was not published and circulated before the commencement of the present session, in order that the people might have had an opportunity to examine them and to test their efficiency. Every effort was made to procure their publication at an earlier date, but it was found to be impossible.

Prudence would seem to dictate that those laws should be submitted to a trial before any very radical changes are made, and that your attention at the present, should be directed to such amendments only as may be required to remedy defects that may have been overlooked, and such as may be urgently called for by your constituents.

It is no small gratification to be able to announce that the financial condition of the State is still improving. The total amount of revenue paid into the State Treasury, arising from taxation, during the fiscal year just closed, is \$658,099,02, exceeding that of the previous year in the sum of \$154,355,76.

The ordinary expenses of the fiscal year amounted to \$160,312,-68, being an excess over the previous year of \$88,502,32, arising chiefly from the length of the legislative session, and expenses necessarily incident to the revision of the statutes.

In the meantime, the principal of our debt has been diminished the sum of \$59,300 by the exchange by the Auditor of State of \$31,450 of stock in the Madison and Indianapolis Railroad, for two and one half per cent. bonds of the State, and by the redemption in cash at the State Treasury of \$34,000 of treasury notes.

The ordinary expenditures of the State Government for the year 1853 are estimated at \$125,000, and for the year 1854, at \$40,000, for which provision should be made by the Legislature at its present session.

The sum set apart by the last Legislature to be applied for the liquidation of the principal of the public debt, although perhaps, sufficient for a commencement, is entirely inadequate to diminish the debt as rapidly as its magnitude and our ability require, and would justify. The annual levy to be devoted exclusively to this purpose, should not be less than five cents on the hundred dollars' valuation of taxable property. With such an appropriation,

and the application of the money to be received from the Madison and Indianapolis Railroad Company, to the purchase of  $2\frac{1}{2}$  and 5 per cent. bonds, more than half a million of our indebtedness may be absorbed within the next two years.

After considerable delay we have at length succeeded in obtaining from the General Government a confirmation of the selection of swamp lands to which the State became entitled under the act of September 28, 1850. The total area approved to the State, up to this date, is 1,018,905 53:00 acres, to which will be added about 190,000 acres in the Vincennes district, the selections of which are yet to be examined, making a total of over 1,200,000 acres. The patents received are for the Jeffersonville, Fort Wayne and Crawfordsville land districts. From information received from the Commissioner of the Land Office, we shall receive the patents for the remaining districts, by the first of March next.

The State has received so far, from the sales of these lands at the Government Land Office, the sum of \$60,656,76, for which patents have been forwarded to the purchasers by the Auditor and Secretary of State.

A very considerable quantity of the lands to which we were entitled, was sold by the Government Officers subsequent to the passage of the act of Congress. For these the commissioner of the General Land Office has determined to issue his patent to the State, and has caused notice to be given to the purchasers of the invalidity of their titles. They are also notified that on the return of their certificates of purchase, the money, warrants or scrip, with which their entries were made will be returned to them. These purchases having been made in good faith, and in many cases valuable improvements having been commenced upon them, the Auditor of State, with my concurrence and approbation, notified the several land offices that the State will, in all cases where the purchasers desire it, patent the lands direct to them.

The Commissioner of the General Land Office was also notified of this determination, and of the readiness of the State to receive for such purchases, the money, warrants or scrip with which they were made. Should farther legislation be thought necessary to secure these lands to the purchasers, I trust it will receive your early attention. The person to whom the warrants shall be assigned, should be designated and action taken in regard to the further disposition of them.

The fund to be derived from this source, solemnly set apart by our Constitution to the cause of education, will, if properly husbanded, within a few years amount to not less than one million of dollars, after defraying all proper expenses for selection and drainage. Doubts are seriously entertained, whether the effect of the law of the last session, will not be to fritter away this fund without benefit to any one but the host of officers to be created under it. The subject should be examined in all its bearings, and the proper remedy applied.

The subject of education is justly exciting deep and intense interest among our people. In some of the cities and towns the graded school system is receiving the aid and encouragement of the friends of education. In other places the County Seminaries, high schools, select schools and Colleges, are advancing, exhibiting the interest the people take in the great work of instructing the youth of the land. Indiana has heretofore done much to advance the cause of education. We have built up in almost every part of the State, various schools of learning. We have now commenced under our new constitution, at the *right place—the Common School*. Our energies, means, and resources, so far as the State is concerned, are all required to establish in every township a sufficient number of schools to educate every child.

In accordance with the solemn provisions of the Constitution, the last legislature passed a bill providing for a general and uniform system of common schools. The subject occupied the most of the time of some of the ablest men of the State of all parties. It was to be expected that a measure of this kind would meet with opposition to its details. We have had a variety of local laws on this subject. Our people, coming from various sections of the Union, have brought with them their local views and opinions. It will therefore take time to build up a system satisfactory to all.

Whatever opinions we may personally entertain on this subject, there can be no doubt that it is the solemn duty of the representatives of the people to provide all the means in their power for the instruction and education of every child in the State.

We must have a general, uniform and universal common school system. We must make education free to every child in the State. We must, by wise legislation, provide such facilities for thorough yet free instruction in our public schools, as to render unnecessary and ultimately to break down those select schools, in which classes of society are educated. We must place the children of every class of society upon the same level, using the same books, having the same system of instruction, and enjoying the same facilities for acquiring the first rudiments of thought, knowledge, and information. We cannot preserve our free institutions short of a universal system of education. We must in the language of our new constitution, encourage by all suitable means moral, intellectual, scientific, and agricultural improvement, and provide by law a general system of common schools, wherein tuition shall be without charge and equally free to all.

Our true policy is to let time test the wisdom of the system of last session, and as that great experimenter shall disclose by practical demonstration its defects, apply the proper remedy.

In accordance with the constitution and the law, the people, at the last annual election, elected a Superintendent of Public Instruction. On that officer devolve duties of vital importance to the people of the State. He has already entered upon the duties of

his office. He brings with his ability a warm zeal, much experience in practical teaching, and an intimate acquaintance with the systems of common schools in other sections. To his report, which will be laid before you, and which contains many valuable suggestions, I invite your particular attention.

From the interest in the cause of education everywhere made manifest, the daily increase of our school fund, under the wise provisions of the new Constitution, with the aid of your Superintendent devoting all his time to this cause, may not our constituents hope the day is at hand, when Indiana shall place the education of every child in the State, by a universal system of common schools, on a firm and enduring basis. And may we not indulge the thought, that we shall be able to erect on this immovable basis a noble superstructure, that shall be worthy of the age, worthy of the people, and that shall endure for all time to come, as a monument of the age in which we live.

It will be, gentlemen, the most interesting part of my official career to co-operate with you in this important work.

It is worthy of your consideration, whether the late act reorganizing the State University at Bloomington, does not require some modification and change. The propriety of permitting the trustees of the University to hold their offices during "good behaviour," is extremely doubtful. I suggest the propriety of reducing the number of trustees, determining the time they shall hold office, and making as far as practicable, a portion of the officers of State elected by the people, trustees of the institution.

I also recommend that the proceeds of the late grant of Congress be set apart for the endowment of a distinct professorship for the express purpose of qualifying male and female teachers to go forth in the work of teaching in our common schools.

The object of the law passed at the last session "to authorize and regulate the business of general banking," was to furnish the people of the State a sound circulating medium in sufficient quantity. The want of additional banking capital at various commercial points had been sensibly felt, and it was hoped that by throwing the business of banking open, under proper restrictions, to all who might choose to engage in it, increased facilities would be afforded to those engaged in commerce, and that the public interest would thereby be promoted. The experience of the past year has, however, already shown that the restrictions provided by the law now in force are insufficient to prevent the abuse of the privileges therein granted.

Under this law there have been organized sixteen banks, or banking associations, with a capital of two millions three hundred and sixty-five thousand dollars. Six representing a capital of one million one hundred and fifty thousand dollars, are said to be doing a legitimate banking business—five with a capital of eight hundred and fifty thousand dollars, have not as yet received any notes for

circulation. The whole amount of stocks deposited, up to this time, is nine hundred and ten thousand dollars, all of which are our own, except eighty-one thousand dollars.

The remaining five banks, with a capital of three hundred and sixty-five thousand dollars, have a mere nominal location, all of their notes being put up in packages as soon as they are signed by the Auditor, and carried to some distant city or State for circulation.

The character of our State abroad, and its financial prosperity at home, must depend greatly upon the soundness or unsoundness of the system of banking which is established under our laws. The subject is, therefore, one of great interest to our people, and it is at all times, and more especially at present when a radical change has been made in the policy heretofore pursued, and an entirely new system is about to be put in operation, eminently entitled to your most serious and careful consideration.

An unnatural expansion of the currency by the issue of enormous quantities of bank notes is always dangerous, and liable to result suddenly and unexpectedly in disastrous losses to the community; and this change must be greatly increased when the notes are put in circulation at points remote from the place of their redemption.

One of the greatest evils of an expansion of the currency is, that the value of money is thereby lessened, and he who has a debt to become due, at the period of the greatest redundancy, although he may receive, nominally, the sum contracted for, receives much less in value; and, on the other hand, if the contract was made during an expansion, and a large portion of the circulation is suddenly withdrawn, he receives much more. Such fluctuations in the value of money, may be of advantage to speculators, but the true interest of the producing classes of the community, requires that paper money, in circulation, should be of the same value when debts become due, as when contracted; and the best laws for the regulation of the currency are such as will best preserve this uniformity.

If you must have a paper currency, it is the duty of those making laws to regulate the same, to require, by every principle they can adopt, the circulation of that currency, as near as possible, where it is at all times convertible into ready money. A departure from this principle will inevitably lead to an expansion of the currency, not called for by the legitimate business of the country, and in the end *destroy* the business of any community.

Every citizen in our State has a direct interest in the genuineness, safety, and easy convertibility of his paper currency into ready money; in other words, he is deeply interested in preserving the actual value in the State in which, and by whose authority it is made and issued.

It is very evident that under the construction given to our present law, and the practice adopted in carrying out its provisions,

no sound or reliable currency will be furnished until it is essentially modified.

The speculator comes to Indianapolis with a bundle of bank notes in one hand and his stock in the other. In twenty-four hours he is on his way to some distant part of the Union, to circulate what he denominates a legal currency authorized by the legislature of the State of Indiana. He has nominally located his bank in some remote part of the State, difficult of access, where he knows that no banking facilities are required, and intends that his notes shall go into the hands of persons who will have no means of demanding their redemption.

By countenancing such proceedings, or by neglecting to adopt proper means to prevent them, we shall render ourselves liable to the just complaints of the people of other States, and we shall have no right to complain of them for furnishing a like irredeemable circulation which is now finding its way into the hands of every class of our citizens.

It is to be regretted that this State ever authorized the issuing of any note of a less denomination than five or ten dollars, and had not, by law, provided some effectual remedy against the circulation of the small notes issued in other States.

Those companies that are engaged in legitimate banking under the old or new system, are as much interested in adopting some measures to check the abuses which are springing up under the operation of the present law, as any other persons. If these abuses are not corrected, the people at large, sooner or later, will be provoked into the adoption of a summary remedy, and the whole system of banking by law will be swept away.

I trust that you will provide some effectual remedy for these evils, and I earnestly invite your attention to the following suggestions:

1st. To disconnect the management of the banking system from the office of the Auditor of State, and create an office to manage, under proper restrictions, the entire banking department.

It is essential that the stocks should be registered in the Auditor's office before notes are issued, but all the other duties could be better performed by an officer who could devote his whole attention to them. These duties are various and of great importance, and require the services of an able and vigilant person thoroughly conversant with the subject of banking, and able to detect and frustrate schemes to evade the wholesome restrictions of the law.

2nd. To create a board of Bank Commissioners, with power to hear and decide upon applications for the establishment of banks, and to regulate the amount of their capital, location, &c. Such a board might be composed of the officer appointed to manage the banking system, and the officers of the State departments, or such other officers as may be designated.

3rd. To authorize no future banking upon any other stocks than

those of this State and of the general government. As an additional security to the bill-holder, a mortgage on real property in this State equal in value to the entire circulation of each bank, might be required.

4th. To require a majority of the directors of each bank to reside in the county where the bank is located, in order that the community in the neighborhood of such institution may have a knowledge of the persons who are conducting it.

5th. The propriety of requiring, by legal enactment, all banks to keep their notes at par, at the State capital, is worthy of your consideration. This practice has been adopted in some of the states, and is said to work well.

To protect our own people from the evils of an irredeemable currency, I particularly recommend the passage of a stringent law, to prohibit the circulation of foreign small notes issued by corporations or individuals. It is thought by some that this cannot be effectually done, but it has been successfully accomplished in some of the other States, and I can perceive no sufficient reason why such a law cannot be enforced here.

Such a law might provide that the issuing, paying, or receiving of foreign notes of a less denomination than five dollars after a certain date, shall be an indictable offense, giving the circuit courts and courts of common pleas concurrent jurisdiction, and taxing with the costs a sufficient docket fee to compensate the prosecuting attorney for his trouble. It might also provide that all notes, drafts, bills of exchange, or other contracts, where the consideration is in whole or in part founded on the payment or receipt of such small notes of other States, should be absolutely void and not collectable in any court of the State.

If such a law is made applicable to banks and brokers as well as individuals, and required to be given in charge to the grand juries at every term of the courts, I have not a doubt that it will be possible to drive out the irredeemable notes of other States, and to substitute in their place, the notes of our own banks.

The 12th section of the act of the last session provides that nothing therein contained shall "be construed to empower any person or association to conduct or carry on the business of banking at any other than the place of business of such individual banker or banking association, which place of business shall, in every instance, be the same at which their small bank bills respectively are made payable;" and it is further provided in the 28th section, "that if any such person or association shall violate any of the provisions of this act, such associations may be proceeded against and dissolved by the court."

There can be no doubt that those associations or banking companies which have carried away the notes issued to them, to be loaned or otherwise issued in other States, have committed a palpable violation of the provisions above mentioned, and I recom-

mend that the Auditor of State or other proper officer be required to take immediate steps to procure the dissolution of such associations as the law provides. It may be necessary to provide additional means to render such proceedings to obtain a dissolution entirely effectual, and to this subject I also invite your attention.

I concur most fully in the suggestions of the Auditor's valuable report on the subject of restricting the amount of circulating notes to be issued by the Free Banks, to such a sum as shall be necessary for the commercial and business purposes of our own people. The amount of the annual issue should also be restricted in such manner as to prevent a redundancy of the circulating medium.

The Agricultural, Mechanical, and Manufacturing interests of the State are in a condition of growing prosperity. Forty-five county agricultural societies have been established under the act of February 14, 1851, for the encouragement of agriculture; and in twenty of these counties, fairs have been held in the course of the last year.

The first State Fair was held at Indianapolis, in the month of October, 1852. There was shown, at that time, a very interesting and large exhibition of fine stock, agricultural productions, domestic manufactures, farming implements, and mechanical skill. It was the first great exhibition of the products of the labor, enterprise, and skill of the people of Indiana. It is estimated that not less than thirty thousand persons, many of whom were visitors from other States, were in attendance, and, although this large assemblage was drawn together on the eve of a Presidential election, the prevailing subjects of interest among the multitude were connected with the advancement of the cause of Agriculture, and the encouragement of the various branches of useful labor.

It is an object worthy the profound attention of the statesman to build up and establish in a State a system of practical and prosperous industry. And, in our State, rich in soil, coal fields, mineral ores, and other elements of wealth, it will be a wise line of policy to encourage a system of political economy which, by making labor profitable and attractive, will draw the skill and industry of the people into those opening channels of agriculture, trade, and commerce, which, under sound legislation, cannot fail to make Indiana, in the course of a few years, pre-eminently distinguished among the more prosperous States of the Union.

It is gratifying to observe that there is at this time, a growing and healthy spirit of industry and improvement abroad in Indiana. Farmers, mechanics, and manufacturers, as individuals, and as members of industrial associations, are turning their attention earnestly to a consideration of the best means of promoting the interests of their several pursuits. It is your duty to aid and encourage this great movement. Upon its success the true, substantial wealth, and the real prosperity of the State must depend.

The State Board of Agriculture is now in session, with a full

delegation from the county societies. A Report of the transactions of the last year will be laid before you, at an early day. Three sessions have been held by the Board, since the passage of the act under which it was organized; and, after paying all expenses, it has on hand a surplus of two thousand dollars. This sum will be reserved, to be paid out in premiums at the State Fair, to be held some time in the course of the present year.

If it be your pleasure to add to this amount, reserved for premiums, by an appropriation, the stimulus that the General Assembly will thereby give to different branches of home industry will, by increasing the quantity and value of various kinds of property subject to taxation, return to the revenues of the State more than fourfold the amount of such appropriation.

We are receiving from our sister States New York, Ohio, Michigan, &c., numbers of their annual agricultural reports, in exchange for ours. The very valuable Reports received from these States will be distributed among our county agricultural societies. In this way the knowledge acquired by our sister States, in the most important departments of agriculture, will be placed within the reach of the farmers of Indiana. Of the second annual Report of the State Board of Agriculture, I recommend that you authorize the publication of a number of copies equal to the number published of the first report.

In pursuance of an act of last session, a correspondence has been opened with President Roberts of Liberia, on the subject of acquiring territory for the settlement of the free blacks who may desire to emigrate from Indiana. Sufficient time has not elapsed to receive an answer, but a favorable one is expected. No perfect organization of the State Board has yet been made under the law, as it is not yet in force.

It is gratifying to know that Indiana is the first State in the Union that has authorized a State organization for the purposes of colonization, and in that capacity has opened a correspondence with that Republic; and thereby recognized it as one of the independent nations of the earth. While the principal nations of Europe have recognized the independence of Liberia, it is matter of astonishment, that, up to the present time, our Government, that should have been the first to welcome her into the family of nations, has remained silent.

Whatever opinions may be entertained by others, it is my firm conviction that the cause of African colonization is the only hope that promises any thing substantial for the colored man. It is the only door open for the regeneration of his race. It is here alone that the black man must look for the freedom and independence of his people.

Thus far the Republic of Liberia has more than realized the most sanguine anticipations of its early friends. They have exhibited, for many years the elements of a firm and consistent government.

In less than a quarter of a century they have grown from a handful of people to an independent nation, giving to the world daily the evidences of stability and wisdom in the management of their affairs. By the benevolent appropriations of several of the States aided by individual contributions, hundreds of the African race go out annually, many of them educated; all more or less prepared to take part as citizens of a republican government, in the land of their fathers.

What a field is here opened for the action of the general and State governments, aided by that of individuals. May we not hope that the Representatives of the people of Indiana will annually contribute to such a noble work, pregnant with results so favorable to the cause of human liberty, the promotion of the christian religion, and so well calculated to remove, in a practical and efficient manner, the only evil in our land which threatens to destroy the peace and harmony of the different members of our confederacy.

It is wisely provided, in our new Constitution, that wherever they can be made applicable, all laws shall "be general and of uniform operation."

The late revision of the Statutes has, in the main, fully met the spirit of that requirement. But a provision in the repealing act, continues in force the various and widely dissimilar laws touching the traffic in intoxicating liquors, prevailing in different sections of the State. Whatever opinions may be entertained touching the most efficient means to repress intemperance, it cannot be doubted that laws for that purpose should conform to the manifest requirements of the constitution. Uniformity in the laws of a people tend to bind them together. And, when forced to provide rules for their civil government, operating alike throughout the community, it is believed more careful attention will be bestowed in their preparation.

Though the existence of a necessity for the enactment of some law regulating the vending of intoxicating liquors may be conceded to exist, the details of that law will prove embarrassing subjects of legislation. It would be well to remember at the outset, that extreme measures, however praiseworthy the motives dictating them, are not apt to realize the anticipations of their advocates. The tastes, habits, and prejudices of a people, are, to some extent, to be consulted. If they are disregarded, the law, especially if of a sumptuary character, will become, in truth, a "dead letter." Legislation should progress, it is true, but cautiously; so that the law will command the respect of the people, and at the same time keep pace with sound public opinion. The *past* and the transpiring events of the *present* demonstrate that the sudden adoption of ultra measures, whether concerning the organic or statute law of a community, results in a reaction aggravating the evil sought to be remedied. It is conceded that more good is to be anticipated from the certainty of the enforcement, than the severity of the laws.

Those we already have in restraint of intemperance, it is to be feared, are not rigidly enforced; and the opinion is entertained by many, that the error in the past has been more in the administration of the laws, than in the laws themselves. The vice, to say the least, is not on the decline.

Its haggard victims meet us everywhere. They crowd our almshouses, hospitals, jails, and penitentiaries. They throng upon every avenue of life chilling us with an overpowering sense of their wretchedness and moral degradation. If the wails of the widow and the destitution of the orphan, reach not our hearts, considerations of economy, in the administration of the law should not be disregarded. Humanity and public policy alike demand a corrective.

While individual effort should be stimulated to renewed exertions in the reformation of the inebriate, the aid of laws to be increased in stringency as public opinion will sanction, is imperatively demanded.

It is respectfully suggested that drunkenness be made an offense punishable by law, a disqualification for the making of contracts, or the management of property. By that means the vice might be rendered more odious, and the examples set, by those addicted to it, less pernicious in the community, while the drunkard would be prevented from dissipating his property and leaving his family destitute—thereby defeating the designs of the cunning and cruel.

It will give me great pleasure to co-operate with the Representatives of the people, in the adoption of any measure that will be calculated to remove this great evil from the land.

The report of the Trustees of the Wabash and Erie Canal will put you in possession of the progress and management of the work the past year. There are many interesting questions presented for your consideration.

The tolls and water rents of the past year received were \$193,400 18, being an increase of \$14,119 42 over the corresponding period of the year immediately preceding.

The amount realized from the sales of land in the two land districts, and collected from previous sales, were \$352,794 68, being an increase over the same period of the year preceding, of \$147,521 14.

The work has progressed rapidly during the past year, and no doubt is entertained, that, by the first day of March next, the waters of the Lake and of the Ohio will be united, and the entire canal from Toledo to Evansville, a distance of four hundred and sixty-five miles, will be in successful operation.

This work conducted with such energy, will be the longest line of inland continuous navigation in the world, and its completion will form a new era in Indiana.

The canal runs through a country unsurpassed in all the elements of wealth, and will give a new impulse to a great agricultural and

manufacturing interest, that heretofore has been to a great extent deprived of a market.

It was to be expected that in the prosecution of a public work of such magnitude, and in its management and police, the trustees would often come in conflict with local and private interests. This was so under the State management of the work.

Frequent complaints have been made to the executive department for relief, by bringing suits against the board.

In the county of Clay, a large public meeting of the citizens was held during the past season, at which divers resolutions were adopted, among others the following: "That the Trustees of the Wabash and Erie Canal have constructed a reservoir, on Splunge creek, in said county, covering among the rest about one thousand acres of heavily timbered land, the timber left standing to rot and decay; and that the miasma arising from said reservoir has already destroyed the health and lives of many of our best citizens, and has become a common and public nuisance, and no prospect of becoming any better for years to come, if left alone—not until the timber therein entirely decays, or otherwise removed." A copy of the proceedings of the meeting were presented to me. I directed counsel to examine the case. Suit has been brought, and is now pending.

These applications for relief by suits are embarrassing, and I again suggest, that you adopt some rule to be observed in such cases. The views of my predecessor, on this subject, are worthy of your special consideration.

It is our duty to protect the rights of the citizens and the community, in every way compatible with our past engagements; but we are always to consider the circumstances under which the Wabash and Erie Canal was transferred to the Trustees for completion, and the objects for which it is pledged.

We must ever regard those objects as intimately identified with the character and credit of our State. We should be recreant to every principle of honor, if we do not maintain inviolate the arrangement with our bondholders.

The trustees are required to carry out the plans of the State, in the construction of the canal, and while doing this, should not be subjected to harrassing suits.

If they fail to discharge their duty, or, if they trespass beyond the limits of the law under which they act, the State has reserved to herself the right to control them. This right should be exercised under the authority of the State, and with great caution. It may be doubted whether the canal, in the hands of the trustees, should be subjected to any burden, (beyond what is expressly named in the law,) to which it would not be subjected, if the title had remained in the State. Such seems to me, to be the obvious meaning of the act.

The reports of the managers, superintendents, and those having

charge of our benevolent institutions, will be laid before you early in the session. These reports exhibit the condition of those institutions, and show clearly that they are entitled to the support and confidence of the people of the State.

The law of last year, placing these institutions upon the treasury for support by direct appropriations, is working well, and the policy is no longer one of doubtful expediency.

The building erected, the past year, for the education of the blind, has progressed rapidly, and the work has been conducted with economy and promptness. When this building is finished, we shall have completed the circle of the benevolent institutions of the State, which form its pride and honor. For simplicity and beauty of design, faithfulness and durability of construction, and harmony in all its departments, the Institute for the Education of the Blind of Indiana, stands undoubtedly, unrivalled in the Union.

The work has been commenced for the additional buildings for the Insane Asylum, so much demanded by the unfortunate and afflicted citizens of the State.

I concur most fully in the request of the Boards of Trustees of all the benevolent institutions, for the additional appropriations asked for to complete their buildings. Your favorable action is invited to the increase of the salary of William H. Churchman, the faithful superintendent of the Blind Institute.

Your attention is called to the very full and interesting reports of the Visiter, Chaplain, Warden and Physician, of the State Prison. The number of convicts in the prison is 217. The number pardoned from the 1st day of November 1851, to the 1st day of January, 1853, is 13.

Herewith is submitted a list of those pardoned, with the list of fines and forfeitures remitted during the same period, in pursuance of the requirements of the constitution. It is important that this list should be distributed over the State, that our people may be informed of the exercise of this power by the Executive. I recommend that the list of pardons, fines, and forfeitures, herewith submitted, be published with the message.

The prison is as well conducted as we have any right to expect, under the leasing or selling out principle that the State has adopted. But the whole system is radically wrong. The State should have the entire control and management of the prison, and adopt as far as practicable, the system of giving to each convict the benefit of his own labor, after the payment of his expenses. The person appointed as Chaplain should receive a salary sufficient for his support, that thereby he might direct his whole time to the moral and religious training of the convicts.

In view of the fact, that the present lease will expire, the year after your next session, it is important that the attention of our people should be directed to a change in the manner of conducting and managing the prison, and the subject discussed in all its bearings.

I therefore recommend that you enter upon the examination of this subject, at the present session, and that you authorize the appointment of some person, to investigate this subject thoroughly, and visit, if it becomes necessary, some of the adjoining State prisons. By this means we will be prepared at the close of the present lease, to act advisedly, on a subject that has not heretofore received the consideration that its merits demand.

I again urge upon the attention of the Legislature the propriety of providing by law, for taking an annual statistical account of the agricultural and the industrial products of the State in connection with the establishment of a bureau of statistics; for a thorough geological and topographical survey of the State; for an appropriation annually, of a sufficient sum to pay for one or more of the newspapers of each of the counties, in the State, to be bound and regularly filed in the State Library; for the abolition of the distinction between grand and petit larceny, and conferring upon the courts, the power to imprison in the county jail or State prison, in their discretion, without reference to the value of the property stolen; for the erection of suitable buildings for the accommodation of the offices of the State; for the erection of work-houses or houses of refuge, in connection with our county jails, or in districts; for the reformation of juvenile offenders, in place of sending them to the State prison, where they become the associates of those who are more hardened in crime; and for the establishment of the office of Attorney General.

These subjects have heretofore been pressed upon the attention of the Legislature; and subsequent reflection has confirmed me, as to the policy and propriety of these measures.

In conformity with an act of the last Legislature, James S. Hester was appointed to act in conjunction with the Secretary of State, in preparing marginal and foot notes, and indexes for, and in superintending the printing of the new Revised Statutes. That work has been accomplished in a manner highly creditable to the State. The first volume containing the acts not immediately pertaining to the courts, is now ready for distribution. The second, comprising the laws regulating the duties of officers of courts, the civil and criminal codes, with copious notes and references, and an appendix containing an exposition of leading common law principles, will, together with the first volume, be laid upon your tables in a few days. The gentlemen entrusted with the superintendence of the publication of these statutes have labored with a degree of fidelity and ability which merits, and I earnestly recommend that you make them a liberal allowance.

An accurate revision of the laws, at one session of the Legislature, could not reasonably have been anticipated. That has not been attained in the most carefully digested codes. While, therefore, we have reason to be proud of our new statutes, it remains for you to correct their inaccuracies, supply their omissions, and

reconcile their conflicts. In addition to those pointed out in the reports of the officers of State, and that of Mr. Hester, I would respectfully call your attention to the unconstitutional provision in the act regulating the election of electors for President and Vice President, in reference to the time of meeting of the State Electoral college; to the change in the law of 1813 concerning the competency of Indians and Negroes to testify; to the conflict in the mode of inflicting capital punishment as provided in the new criminal code, and that in the act concerning felonies; to the manner of selecting petit jurors for the Common Pleas courts; to the vaguely expressed jurisdiction of that court in felonies; and to the doubtful constitutionality of a provision in the new code of criminal practice providing for the taxing of costs against the defendant in a criminal action on appeal in the Supreme court. These subjects demand and will no doubt receive, immediate action.

The frequent loss of human life on our railroads and other public thoroughfares, is very properly exciting the liveliest interest among the wise and benevolent. That many of these appalling casualties are the results of inexcusable negligence, cannot be doubted. The rapid growth of these facilities for travel, will increase the danger, by familiarizing us with its daily contact, unless other precautions are adopted than those now used. It is confidently expected, therefore, that the present Legislature will provide by law for the holding to the strictest accountability, all persons entrusted with the management of these works.

Our laws have wisely provided a security to mechanics, manufacturers, and certain other bailees, by giving them a lien on the specific article for the charges incurred about it. However ample such laws have heretofore been in the protection of industry, the rapid growth of a new interest, demands an extension of this principle. The number of persons employed on our public works, and the too common occurrence of instances where they have been deprived of their earnings by the artifices of dishonest contractors, demand the aid of law. It is earnestly recommended that there be secured to these, ordinarily very poor but laborious men, a lien for their services on the materials of the contractor, and amount of estimates due them on their contract.

The biennial meetings of the Legislature, necessarily increase Executive patronage and labor, and in this connection the Legislature are constantly adding to the duties of the Executive. The services of a Private Secretary are required all the time. You are called upon to increase the compensation of this officer.

The propriety of requiring from the Executive officers of the State a monthly statement of the operations of the State Department, for publication, is worthy of your consideration. The law should require this statement to embrace the list of appointments to office, of pardons granted, fines and forfeitures remitted, the investment of the surplus funds in the stocks of the State, and the entire action

of the different Executive departments upon all questions and subjects that it is made their duty to act upon.

In this way the management and conduct of the Executive departments would be brought more directly before the people.

I recommend that the office of Agent of State be abolished. This office was created at a time when the finances of the State were embarrassed, and in confusion, and grew out of the necessity of appointing an agent to take charge of them. Its continuance was necessary, perhaps, to carry out the provisions of the State Debt act; but as the outstanding bonds have been nearly all surrendered, there is no necessity for maintaining the office any longer.

Those parties who have not surrendered their bonds after the ample time they have had, should now be required to make the surrender hereafter directly to the office of Auditor of State, which can be done with facility, and without inconvenience.

The only business now requiring an agent in New York, is the transfer of the State stocks, and payment of interest. This can be effected with much less expense than is now incurred, and with much greater security to the State, than the present system can furnish. No other State is at the expense of maintaining a special agency for such a purpose. All that is required, is to give to your Auditor and Treasurer, with the concurrence of the Executive, the power to make the usual arrangements for the transfer of stocks, &c.

The State, some years since, issued a large amount of canal, quarter per cent., six per cent., and bank scrip. She has suffered, heretofore, in the fraudulent redemption and double issue of the canal and quarter per cent. scrip, to the amount of some thirty thousand dollars.

I regret to learn, at the Treasury, that we have now redeemed some twelve thousand dollars more of bank scrip, than was issued. You are earnestly invited to a thorough investigation of the subject.

The practice of betting upon elections, is injurious to the morals of the community, and is calculated to injure the purity of the elective franchise. The evil appears to be increasing, and I suggest the propriety of providing, as an additional penalty, some strong and positive provisions, prohibiting the exercise of the elective franchise by an elector who shall, in any manner, assist, encourage or bet upon the result of any election, at which he may offer to vote.

No additional information has been received on the subject of our three per cent. fund. Individuals in various portions of the State are holding claims upon this fund for work performed, relying upon the settlement by the State with the General Government for payment.

The views expressed on this subject in my last annual message are again urged upon your consideration.

The suit pending for some time in the Supreme Court, of Patrick McGinley against the State, the particulars of which were furnished

in my annual message of 1850, has been decided in favor of the State. By this decision the State is saved from the payment of twenty-five thousand dollars; and, it is believed, puts to final rest this controversy. You are requested to provide compensation to the attorneys who prosecuted the cause in the Supreme Court in behalf of the State.

Thomas Hunsucker, sheriff of the county of Jackson, has paid out the sum of three hundred dollars, for the apprehension and arrest of Daniel Maybee, charged with the murder of John Quamby, of said county. I recommend that you refund to him the money so advanced.

Benjamin Wolf of the county of Monroe, has been appointed to select the additional grants of lands made to the State University, by the act of Congress of July 12, 1852. His report will be laid before you during the session.

It is a duty and a pleasure, which I cannot permit this occasion to pass without performing, to bear honorable testimony to the promptness, efficiency and ability of the several gentlemen, who, during my official term have filled the offices of Secretary, Treasurer, and Auditor of State.

The several county officers connected with the revenue system, are also entitled to much credit for their punctuality and promptness. Ninety-one collecting and disbursing officers, within the last three years, have paid into the State Treasury more than one and a half millions of public money, without a single case of collection by law.

Gentlemen—representing as you do, every section and interest of our growing and prosperous State, knowing the views, feelings, and wishes of your constituents, you are prepared to act advisedly upon the recommendations that I have laid before you. They are presented with the full assurance, that the interests of the State are wisely placed in your hands.

I ardently hope that *Divine Wisdom* will guide you in all your acts and deliberations, and that they will redound to the welfare of our common country.

JOSEPH A. WRIGHT.

January 7, 1853.

## A LIST OF PARDONS GRANTED BY THE EXECUTIVE FROM THE FIRST DAY OF NOV., 1851, TO THE 31ST DAY OF DECEMBER, 1852, INCLUSIVE.

DATE.	TO WHOM GRANTED.	CRIME.	WHERE TRIED.	SENTENCE.	DATE OF SENTENCE.	REMARKS.
Dec. 3, 1851.	Stephen McMillen.	Grand larceny.	Switzerland county.	Seven years to State Prison.	March 6, 1847.	This pardon is granted upon the application of eleven of the jurors, prosecuting attorney, clerk, sheriff, recorder, auditor, treasurer and others.
Dec. 6, 1851.	Henry Eal.	Manslaughter.	Floyd county.	Four years to State Prison.	October term, 1849.	This pardon is granted upon the application of prosecuting attorney, associate judges, nine of the jury, sheriff, clerk, warden of the penitentiary, senator, representative, and two hundred other citizens of the county who were familiar with the facts of the case, and intimately acquainted with the parties. The said Henry Eal being quite young at the time of the commission of the offense, in his sixteenth year, his conduct being good during the two years and two months of his confinement.
Dec. 22, '51	Samuel Crist.	Grand larceny.	Dearborn county.	State's Prison two years.	October term, 1850.	This pardon is granted upon the certificate of the clerk of the Dearborn circuit court, showing that the jury recommended him to the Executive clemency, as part of their verdict, the petition of the jury subsequently signed, the written request of Hiram Wright, the owner of the property charged to have been taken, the clerk of the court, prosecuting attorney, circuit judge, associate judges, recorder, assessor, sheriff, and two hundred other citizens of the county.
Feb 20, 1850	Daniel Hart.	Assault and battery.	Elkhart county.	Two years in State prison.	October term, 1850.	Granted on the application of the circuit judge, prosecutor, auditor, treasurer, recorder, clerk, sheriff, eleven of the jury, and one hundred and seventy-five citizens of the county who were acquainted with the circumstances of the case.
March 24, '52	John Burns.	Grand larceny.	Jefferson county.	.....	.....	Also the senator and representative. Granted on the application of the twelve jurors who convicted the defendant, upon the certificate of the clerk of the court, prosecutor, attorney, the witnesses for the State, one of whom was the owner of the property alleged to have been stolen, the clerk of the court, sheriff, treasurer, auditor, and the attorneys in the cause.
April 14, '52	Mariah Coleman.	Grand larceny.	St. Joseph county.	Two years in county jail.	March term, 1852.	Granted on the application of the entire jury, who, as a part of their verdict, recommended the defendant to executive clemency, president judge, prosecutor, senator and sheriff.

April 23, '52.	Daniel Alspaugh.	Petit larceny.	Wahash county.	180 days' confinement in the county jail.	March term, 1852.	Granted on the application of the sheriff, clerk, treasurer, attorneys, senator, representative, and one hundred other citizens of the county of Wahash.
April 26, '52.	William Coyle.	Assault and battery with intent to kill.	Jennings county.	Two years hard labor in State Prison.	October term, 1851.	Granted on the application of a portion of the jury, presiding judge, sheriff, auditor, and 150 citizens of the county who were intimately acquainted with the transaction.
June 9, 1852.	Nicholas D. Mount.	Aiding and abetting a rape.	Cass county.	Seven years to State Prison, and disfranchised.	February term, '51.	Granted on the application of the president judge, associate judges, sheriff, pros. attorney, clerk, recorder, members of the bar, and 100 other citizens, who aver that the subsequent disclosures satisfy them that the party was not guilty of the offense.
June 9, 1852.	John Hicks.	Rape and grand larceny.	Davies county.	Seven years to State Prison.	May term, 1846.	Granted on the application of Judge McDonald, the members of the bar, and the officers of the prison, all showing his good conduct and faithful service under his sentence, which is now nearly expired.
June 9, 1852.	Angelo S. Garland.	Larceny.	Allen county.	Two years in State Prison, fined one dollar and disfranchised.	February term, '51.	Granted on the petition of the president judge, nine of the jury, associate judges, pros. attorney, clerk, sheriff, recorder, the entire officers of the court, members of the bar, the party whose property was alleged to have been stolen, and numerous other citizens familiar with the transaction.
July 16, '52.	Peter Roth and Victor Knel.	Grand larceny.	Clark county.	Two years to hard labor in the State Prison, fined five dollars each, and disfranchised.	May term, 1852.	Granted on the application of eleven of the grand jury who found the bill, the individual whose property was alleged to have been taken, the pros. attorney, six of the jury who tried the case, the county commissioners, clerk, sheriff, auditor, treasurer, president judge, and one hundred and twenty of the most prominent citizens; also the senator and representative of said county.
Aug. 28, '52.	Elizabeth Richey.	Manslaughter.	Decatur county.	Two years in State Prison.	Spring term, 1851.	Granted on the application of the pros. attorney, ten of the jury, associate judges who tried the cause, clerk of the court, sheriff, a majority of the grand jury, and 925 other citizens of the county of Decatur who were intimately acquainted with the facts and circumstances of the case.

## LIST OF PARDONS GRANTED BY THE EXECUTIVE FROM NOV. 1, 1851, TO DEC 31, 1852—Continued.

DATE.	TO WHOM GRANTED.	CRIME.	WHERE TRIED.	SENTENCE.	DATE OF SENTENCE.	REMARKS.
Nov. 9, 1852.	Cornelius Porter.	Rape.	Randolph county.	Five years to State Prison.	August term, 1850.	Granted on the application of the circuit judge, associate judges, clerk, sheriff, prosecuting attorney, treasurer, auditor, ten of the jury, and six hundred and sixty-two citizens of the neighborhood where the transaction occurred. Notice of the application for this pardon having been duly published in a newspaper published in Randolph county.
Nov. 15, '52.	William Gilbert.	Assault and battery with intent to commit a rape.	Clay county.	Two years to State Prison.	March term, 1852.	Granted upon the application of the circuit judge, who strongly recommends a pardon, trying that a new trial would have been granted, if applied for. The defendant being unable to give bail, the motion was not made. The judge aforesaid doubts the guilt of the defendant, and believes that the whole truth was not disclosed on the trial. Nine of the jury unite in the application for the pardon for the reasons above stated, and strongly urge it on account of the youth of the prisoner; likewise seventy citizens of the neighborhood where the transaction occurred.

## A LIST OF FINES AND FORFEITURES REMITTED BY THE EXECUTIVE FROM NOV. FIRST, 1851, TO DECEMBER THIRTY-FIRST, 1852, INCLUSIVE.

DATE.	TO WHOM GRANTED.	OFFENCE.	WHERE TRIED.	DATE OF TRIAL.	Amount of fine.	Amount remitted.	REMARKS.
Nov. 12, '51.	Andrew Thomas.	Assault and battery.	Washington county.	Fall term, cr. court	\$232 00	\$232 00	This remittitur is granted on the petition of trustees of the seminary of the county, six of the jurors who tried the case, the deputy clerk, the clerk, sheriff, treasurer, recorder, and two hundred and seventy-five other citizens of the county, of whom about one hundred and thirty-six are residents of the township in which said Thomas resides.
Nov. 18, '51.	John E. Dodson.	Attempting to solemnize a marriage knowing he was not authorized to do so.	Perry county.	October term, c. c.	50 00	50 00	This remittitur is granted on the petition of one of the associate judges, and five of the jurors that tried the case, and one hundred and thirty other citizens of said county.
Dec. 3, 1851.	James Lauey.	Forfeited recognizance as bail for Wm. T. Thayer, on charge of perjury.	Parke county.	October term, 1851.	500 00	500 00	The said James Lauey was the security for the appearance of one William T. Thayer, indicted for perjury, in the sum of \$500. Thayer failed to appear, and judgment was rendered on the recognizance against Lauey. It is represented that Thayer had departed this life prior to the final judgment; and this remission is granted on the application of the prosecuting attorney, county auditor, treasurer, clerk, recorder, deputy clerk, sheriff, trustees of the seminary fund, and one hundred and six of the citizens of the neighborhood, who are conversant with the facts.
Dec. 15, 1851.	Jordan Polk.	Suffering gaming in grocery.	Jennings county.	October term, 1851.	50 00	40 00	This remittitur is granted upon the application of the county auditor, sheriff, the five trustees of the seminary fund, senator, county treasurer, and one hundred and ten other citizens.
Dec. 15, 1852.	Samuel Losey and Perry Losey.	Breach of the peace.	Tipton county.	August 4th, 1851.	20 00	20 00	This remittitur is granted upon the application of those who represent the school fund, (to-wit: the clerk, auditor, sheriff, treasurer, and sixty-five other citizens, being a majority of the citizens of the township)
Dec. 24, '52.	Samuel McDaniel, John McDaniel, Marion Evans.	Riot. do do	Boone county, do do do	October term, 1851. do do do	70 00 40 00 20 00	60 00 30 00 10 00	These remittiturs are granted upon the application of the trustees of the county seminary, treasurer, auditor, school commissioners, clerk, sheriff, senator, representatives, and one hundred and thirty other citizens.

## LIST OF FINES AND FORFEITURES REMITTED BY THE EXECUTIVE FROM NOV. 1, 1851, TO DECEMBER 31, 1852—Continued.

DATE.	TO WHOM GRANTED.	OFFENSE.	WHERE TRIED.	DATE OF TRIAL.	Amount of fine.	Amount remitted.	REMARKS.
Jan. 3, 1852.	George A. Buskirk.	Assault and battery.	Monroe county.	5th July, 1851.	\$20 00	\$20 00	Granted upon the application of those who represent the school fund of the county, to wit: county auditor, recorder, clerk, treasurer, and the senator and representative in the State Legislature.
Jan. 9, 1852.	Seth H. Starr.	Retailing without license.	Logansport City.	November 12th, 51.	5 00	5 00	Granted on the application of the mayor, prosecuting attorney, and six trustees of the seminary fund.
do do	Burroughs Westlake.	Failing to return marriage license, 3 cases.	Cass county.	Term 1850.	5 00	5 00	Granted on the application of the mayor of Logansport, prosecuting attorney, and trustees of the county seminary.
Jan. 14, '52.	Mahlon R. Crouch.	Peft battery. Forfeited recognition for same offense.	Davies county.	October term, 1850. April term, 1851.	10 00 500 00	10 00 500 00	Granted upon the application of the clerk of the circuit court, auditor and treasurer, those who represent the school fund, of the county. The sum of \$500 remitted was a judgment in a forfeited recognition for the same offense for which the party had been previously tried and punished.
Jan. 28, '52.	John Price.	Adultery.	Fayette county.	October term, 1851.	50 00	45 00	Granted upon the application of county treasurer, sheriff, clerk, trustees of the district school, senator, representative, and one hundred other citizens of the county of Fayette, who were acquainted with the defendant and the facts of the case.
Feb. 4, '52.	Benjamin McCool.	Selling cider and cake within 1 mile of a camp-meeting. Profane swearing.	Warrick county.	November term, '51.	5 00	5 00	Granted on the application of the county auditor, clerk, recorder, two justices of the peace, and the representative of the county.
Feb. 5, 1852.	Benjamin Hadden. Abraham Hadden.		Putnam co., before Asa Cooper, Esq.	March 26th, 1851.	3 00 6 00	3 00 6 00	Granted on the application of the county auditor, senator and twenty of the neighbors, who are conversant with the facts.
Feb. 12, '52.	David McGaughey.	Retailing, 5 cases.	Franklin county.	August term, 1851.	20 00	20 00	Granted on the application of the prosecuting attorney, senator, and the clerk attorneys of Brookville.
Feb. 20, '52	Henry Albright.	Forfeited recognition.	Clay county.	October term, 1851	50 10	50 00	Henry became bail for his son Samuel, who failed to appear, and judgment was rendered. This remission is granted on the application of the six trustees of the seminary fund, clerk of the court, the individual whose property is said to have been taken, and about one hundred and twenty-five other citizens of said county.

March 17, 1852.	Ann D. Johnson and William G. K. Johnson.	Forfeited recognition for David T. Baldwin on charge of larceny.	Knox county.	August term, 1851.	200 00	150 00	Granted on the application of three county commissioners, treasurer, auditor, representative, and one hundred other citizens of the county of Knox who were familiar with the transaction.
March 25.	William Evans.	Forfeited recognition for Thomas Fortune.	DeCATUR county.	Fall term, 1844.	25 00	25 00	Granted on the application of the clerk, auditor, treasurer, sheriff, those who represent the school fund of the county, and many of the citizens of Greensburg.
March 20.	Wm. C. Foster, jr.	Assault and battery.	Monroe county.	March term, 1852.	43 00	43 00	Granted on the application of the five trustees of the county seminary to-wit: Maxwell, Hamill, Butler, Stone and Robinson, a majority of the jury that tried the case, school commissioner, county auditor, treasurer, and divers other citizens.
April 5, '50.	Francis Sommermer.	Retailing, 3 cases, \$2 in each case.	Boone county.	October term, 1851.	6 00	6 00	Granted on the application of the county treasurer, auditor, school commissioner, the three county commissioners, senator, representative, and six, to other citizens of the county giving the facts of the case, and exhibiting the fact that the defendant is subject to epilepsy, and that it would be oppressive on the said defendant to pay said fines; and showing that the application is one calling for executive clemency in interference.
April 9, '52.	Milton Mahin.	Neglecting to return marriage license.	Montgomery county.	March term, 1852.	5 00	5 00	Granted on the application of the circuit judge, prosecuting attorney, clerk, sheriff, and Samuel C. Wilson and Joseph E. McDonald attorneys at law.
Apr. 14, '52.	Henrick Wedelstadt.	Assault and battery.	Dearborn county.	January 2d, 1851, before the mayor of Lawrenceburg.	25 00	25 00	Granted on the application of the mayor, prosecuting attorney, postmaster, three trustees of the seminary fund, auditor, clerk, and the attorneys of Lawrenceburg.
Apr. 23, '52.	Edward W. Walker.	Assault and battery.	Greene county.	Feb. 4th, 1852, before Solomon Wilkerson Esq.	20 00	20 00	Granted upon the application of one hundred and twenty eight citizens of the neighborhood, who are acquainted with parties, clerk of the court and treasurer of the county.
Apr. 26, '52.	Anthony Giever.	Suffering gambling in his house.	Dearborn county.	March term, 1852.	50 00	50 00	Granted on the application of a majority of the jury that tried the cause, president judge, clerk, trustees of district school, associate judge, two representatives, and numerous other citizens of Lawrenceburg.
Apr. 27, '52.	Edward F. Krutz.	Forfeited recognition for John Lamphere for robbery.	Switzerland county.	— Term, 18—.	200 00	300 00	Granted upon the application of the county auditor, sheriff, clerk, treasurer, trustee of township, and sixty other citizens of the community who are acquainted with the circumstances.
Apr. 28, '52.	Balls Coates.	Retailing in two cases.	Marion county.	June term, 1851	51 00	51 00	Granted on the application of the prosecuting attorney, county assessor, recorder, clerk, district attorney, seminary trustee, and other citizens.

DATE.	TO WHOM GRANTED.	OFFENSE.	WHERE TRIED.	DATE OF TRIAL.	Amount of fine.	Amount remitted.	REMARKS.
Apr. 28, '52.	George Donnellan.	Riot.	Marion county, before H. C. Newcomb, mayor of Indianapolis.	10th day of October, 1851.	\$10 00	\$10 00	Granted on the application of the city marshal, clerk of the circuit court; Wilkins, Henderson, Dunlap, and McCarty, trustees of seminary fund, prosecuting attorney and others.
Apr. 29, '52.	Stephen Wooden.	Forfeited recognizance for Jesse Wooden's appearance.	Clavess county.	October term, 1850.	100 00	100 00	Granted on the application of the president judge, clerk, auditor, treasurer, assessor, recorder, and sixty-five other citizens of the county, intimately acquainted with the circumstances of the case.
Apr. 30, '52.	Lewis Arnold.	Malicious mayhem.	Madison county.	March term, 1852.	63 33	63 33	Granted upon the application of a part of the jury, clerk, school commissioner, auditor, sheriff, treasurer, recorder, the party said to be injured and sixty other citizens acquainted with both the parties.
May 5, 1852.	Anderson Perkins.	Assault and battery, two cases.	Putnam county.	January 10th, 1852, before J. C. Gooden, Esq., J. P.	6 00	6 00	Granted upon the application of the county auditor, treasurer, senator, and twenty other citizens familiar with the case.
May 5, 1852.	Jesse Purcell.	Profane swearing.	Putnam county.	February, 1852, before J. S. Wright, Esq., J. P.	4 00	4 00	Granted upon the application of the president of the board of trustees of the county seminary, auditor, the justice who assessed the fine, representative, and thirty other neighbors familiar with the case.
May 11, '52.	Joseph Forden.	Assault and battery.	Clavess county.	Nov. term, 1846.	100 00	100 00	Granted on the application of the clerk, auditor, treasurer, sheriff, representative, and eighty of the citizens of the county who are acquainted with the transaction.
May 31, '52.	James Blair and Stephen Williams.	Failing to attend as grand jurors under attachments.	Vermillion county.	April term, 1852.	25 00 25 00	25 00 25 00	This remittitur is granted on account of the sickness and age of the principal (James Blair,) and also for his general good conduct and services to the State and nation in various capacities.
June 1, 1852.	Joseph Henry.	Forfeited recognizance.	Cass county.	February term, 1851	25 00	25 00	Granted on the statement of the president judge, and sheriff of the county, that said Henry was the bail on recognizance for John Carter, who afterwards appeared, was tried and fined, which fine and costs were stayed, and paid by said Carter.
June 8, 1852.	Oliver Heath.	Retaining, two cases.	Hendricks county.	April term, 1852.	22 00	22 00	Granted on the application of school commissioner, auditor, treasurer, clerk, sheriff, recorder, and sixty other citizens, neighbors of said Heath, and who are well acquainted with the circumstances of the case

June 14, '52.	Rolly A. Taylor.	Recognition bail for George Merriman.	Floyd county.	October term, 1848.	\$50 00	Granted upon the application of the clerk, sheriff, senator, and other officers of the county, showing that the principal had been acquitted of the offense for which he was indicted, and on which this forfeiture was taken.
June 16, '52.	William Sperry.	Retailing, 5 cases.	Jennings county.	February term, 1852.	25 00	Granted on the application of the clerk, auditor, treasurer, sheriff, commissioners, senator, representative, and a large number of Sons of Temperance who represent that said Sperry has quit the business, and is a very poor man.
July 2, 1852.	George Williamson, alias Geo. Wood.	Riot, and assault and battery.	Porter county.	March term, 1852.	50 00 25 00	Granted on the application of the five trustees of the county seminary, auditor, sheriff, recorder, and treasurer, being all the officers having control of the school fund in Porter county.
Nov. 8, 1852.	Charles Crause.	Retailing.	Dubois county.	August term, 1852.	20 00	Granted upon the application of the clerk, treasurer, school commissioner, sheriff, and divers other citizens.
Nov. 8, 1852.	John Sienersince.	Assault and battery.	Dubois county.	August term, 1852.	20 00	Granted upon the application of the clerk, treasurer, school commissioner, sheriff, and divers other citizens.
Nov. 12, '52.	William Hargrave.	Assault and battery.	Warrick county.	November term, '52.	10 00	Granted upon the application of the clerk, treasurer, auditor, and those who represent the school fund of the county.
Nov. 24, '52.	William Rawlings	Keeping gaming house.	Knox county.	August term, 1852.	50 00	Granted on the application of three county commissioners, clerk of the circuit court, auditor, treasurer, and forty-five citizens of Vincennes, who were familiar with the transaction.
Nov. 27, '52.	Austin Guthrie.	Recognition bail for James Burns, charged with passing counterfeit money.	Marion county.	May term, 1852.	150 00	Granted on the application of the clerk of the circuit court, sheriff, auditor, and treasurer, who represent the school fund of the county, and one hundred and seventy-five of the citizens of the neighborhood where the transaction occurred, who allege the inability of the defendant to pay the same without distressing a large and helpless family: and showing the said Guthrie to be afflicted with a disease which renders him unable to labor.
Nov. 30, '52.	Aaron L. Goodwin (now deceased.)	Keeping gaming house; retailing, 3 cases.	Switzerland county	May term, 1852.	50 00	These remittants are granted on the application of the clerk of the circuit court, treasurer elect, and one hundred and fifty other citizens of the county showing the death of Goodwin, and the minority of Teague, their extreme poverty, leaving a family dependent upon the widow for support.
do do	Merritt Teague.	Retailing, 3 cases.	do do	do do	11 00	

LIST OF FINES AND FORFEITURES REMITTED BY THE EXECUTIVE, FROM NOVEMBER 1, 1851, TO DECEMBER 31, 1852—Continued.

DATE.	TO WHOM GRANTED.	OFFENSE.	WHERE TRIED.	DATE OF TRIAL.	Amount of fine.	Amount remitted.	REMARKS.
Nov. 30, '52.	Morgan Carver.	Security on forfeited recognizance for one William Scott, charged with larceny.	Ohio county.	August Term, 1852.	\$300 00	\$300 00	Granted on the application of the judge and prosecuting attorney of the court of common pleas, also the clerks, recorders, auditors, treasurers, and sheriffs of Ohio and Switzerland counties, and the circuit judge, and two hundred citizens of Switzerland county, where the transaction occurred and the parties reside, alleging that Scott, the principal, is dead, leaving a widow and six small children, who without this release would be left without home or means:
Dec. 2, 1852.	Henry Reap.	Fraudulently voting	Jennings county, before Wm. A. Ballou, Esq., Mayor of Vernon.	October term, 1852.	5 00	5 00	Granted on the application of the treasurer, auditor, sheriff, recorder, marshal of the town, senator, and various other citizens, who allege the innocence of the defendant of the charge made against him.
Dec. 3, 1852.	John H. Eurlon.	Keeping gaming house. Keeping disorderly house.	Harrison county. do	April term, 1852. do	50 00 } 10 00 }	60 00	Granted on the application of the sheriff, clerk, treasurer, auditor, recorder, and two hundred other citizens of the county, who allege that the defendant has had the misfortune to have his house and household furniture destroyed by fire, since the assessment of the fines.
Dec. 6, 1852.	George Veach.	Assault and Battery.	Henry county.	Fall term, 1851.	200 00	100 00	Granted on the application of the circuit judge, prosecuting attorney, treasurer, clerk, recorder, auditor, the members of the Bar, and some fifteen other citizens, intimately acquainted with the facts of the case, showing the inability of the defendant to pay the whole of the judgment.
Dec. 20, '52.	Paris C. Dunning.	Forfeited recognizance, on indictment for false pretences, found Mar. term, 1850.	Morgan county.	March term, 1852.	1,000 00	1,000 00	Granted on the application of the circuit judge before whom the judgment was rendered, also the present presiding judge, who allege that the said Dunning, after the forfeiture aforesaid, was discharged from the offense upon which said judgment was founded; and upon the ground "that the State never presented against him any valid legal charge, and ought not to make money out of him on an invalid one," together with the treasurer, auditor and clerk of Monroe county, all of whom unite in urging the remission of the judgment aforesaid. The remonstrance of the officers of the county of Morgan, in connection with the opinion of some fifty of the

Dec. 20, '52.	James M. H. Allison	Recognizance bail for Milton Messick.	Henry county.	Nov. term, 1851.	25 00	25 00	principal citizens of said county, is filed, remonstrating against the remission; they do not however deny the facts so clearly set forth by the two circuit judges that the said Dunning was discharged from the offense upon which the forfeiture had been taken.
do do	Louissant Porrier.	Recognizance bail for Francis Porrier.	Knox county.	February term, 1851.	50 00	50 00	Granted upon the application of the clerk, treasurer, sheriff, and twelve other citizens of the county of Greene, showing that said Messick was prevented attending at said term by the sickness of his family, and that subsequently he removed to the county of Henry, where the indictment was pending.
do do	Reason Ross.	Replevin bail for Peter Myers.	Grant county.	April term, 1851.	12 00	12 00	Granted upon the application of the three county commissioners, auditor and treasurer, showing that for the offense for which the recognizance was entered into, the said Francis Porrier was subsequently tried, convicted, and is now in the State prison.
Dec. 24, '52.	Frederick Sumnam.	Retailing.	Perry county.	April term, 1852.	20 00	20 00	Granted upon the application of the clerk, treasurer, sheriff, and auditor, who state the defendant's ignorance of the law, and that he had given up the business of retailing.

The Senate then returned to their chamber, when  
The President laid before the Senate the following order of business :

### ORDER OF BUSINESS.

- I. Reading of the Journal.
- II. Petitions, Memorials, and Remonstrances.
- III. Reports from Select Committees.
- IV. Resolutions of the Senate.
- V. Joint Resolutions.
- VI. Bills.
- VII. Orders of the day.

The President laid before the Senate the reports of the branches of the State Bank at Madison, Michigan City, and Terre Haute.

Which,

On motion,

Were laid on the table.

Hon. Thomas G. Harris, Senator from the counties of Elkhart and LaGrange, appeared, presented his credentials, was sworn in and took his seat.

On motion by Mr. Gibson,

Five thousand copies of the Governor's Message, together with a list of the remission of fines, forfeitures, and pardons, and the reasons therefor, were ordered to be printed for the use of the Senate.

Mr. Edsall moved that two thousand copies of the Governor's Message, together with a list of the remission of fines, forfeitures and pardons, and the reasons therefor, be printed in the German language, for the use of the Senate.

Mr. Wilson of Harrison moved to amend by adding two thousand copies in the French language.

The question being on the adoption of the amendment, the ayes and noes were demanded by Messrs. Wilson of Harrison and Humphreys.

*Those who voted in the affirmative were,*

Messrs. Edwards, Griggs, Hall, Richardson, Simpson, and Wilson of Harrison—6.

*Those who voted in the negative were,*

Messrs. Adams, Barnett, Barton, Black, Brookshire, Brown, Butler, Combs, Cox, Cutshaw, Edsall, Gibson, Gant, Glazebrook, Gordon, Harris, Hawthorn, Helm, Hendry, Horton, Hosbrook, Humphreys,

Jackson of Madison, Jackson of Tipton, Kightley, Meeker, Odell, Powell, Reynolds, Roberts, Shallenberger, Shields, Shook, Slater, Spann, Vandeventer, Williams, Wilson of Randolph, and Witherow—39.

So the amendment was not adopted.

Mr. Wilson of Harrison, moved to lay the motion of Mr. Edsall on the table.

Which was not agreed to.

The question then recurring on the motion of Mr. Edsall,

It was agreed to.

Mr. Spann offered the following resolution:

*Resolved*, That the Doorkeeper of the Senate be directed to contract with the publishers of the State Sentinel and State Journal for three copies of their daily paper, and also three copies of the weekly Volksblatt, to be delivered on the desks of Senators in envelops, and that he be authorized to make such arrangement with the postmaster of this city, as will secure the forwarding by mail of such papers and documents sent to his office by members of the Senate.

Mr. Gibson moved to amend by adding the Locomotive.

The question being on the adoption of the amendment the ayes and noes were demanded by Messrs. Witherow and Butler.

*Those who voted in the affirmative were,*

Messrs. Black, Butler, Cox, Edsall, Gibson, Greathouse, Gordon, Hall, Horton, Humphreys, Kightley, Vandeventer, Williams and Witherow—14.

*Those who voted in the negative were,*

Messrs. Adams, Barnett, Barton, Brookshire, Brown, Combs, Cutshaw, Edwards, Gant, Glazebrook, Griggs, Harris, Hawthorn, Helm, Hendry, Jackson of Madison, Jackson of Tipton, Meeker, Odell, Powell, Reynolds, Richardson, Roberts, Shallenberger, Shields, Shook, Simpson, Slater, Spann, Sullivan, Wilson of Harrison, and Wilson of Jay—32.

So the amendment was not adopted.

The question then being on the adoption of the resolution,

The ayes and noes were demanded by Messrs. Witherow and Meeker.

*Those who voted in the affirmative were,*

Messrs. Adams, Barnett, Barton, Black, Brookshire, Brown, Combs, Cox, Edsall Gordon, Hall, Hawthorn, Helm, Horton, Hos-

brook, Jackson of Tipton, Reynolds, Shallenberger, Spann and Sullivan—20.

*Those who voted in the negative were,*

Messrs. Butler, Cutshaw, Edwards, Gant, Gibson, Glazebrook, Greathouse, Griggs, Harris, Hendry, Humphreys, Jackson of Madison, Kightley, Meeker, Odell, Powell, Richardson, Roberts, Shields, Shook, Simpson, Slater, Vandeventer, Williams, Wilson of Harrison, Wilson of Randolph, and Witherow—27.

So the resolution was not adopted.

The President laid before the Senate the following communication :

HON. A. P. WILLARD,

*President of the Senate :*

SIR:—You will please lay the accompanying resolution before the honorable body over which you preside.

Very Respectfully,

JOHN B. DILLON,

*Secretary State Board Agriculture.*

*Resolved*, That the State Board of Agriculture invite the members of the Senate and House of Representatives, to attend their evening sessions, and to participate in the general discussions of the Board, and that the Secretary be requested to transmit a copy of this resolution to both Houses now in session, and that the Speaker be requested to ask the use of the Hall for the evening meetings of the Board.

On motion by Mr. Gordon,  
The Senate adjourned until to-morrow morning, 9 o'clock.

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FRIDAY MORNING, }  
January 7, 9 o'clock. }

The Senate assembled.

The journal of the preceding day was read,

On motion by Mr. Gibson,

*Resolved*, That the Clerk of the Supreme Court be requested to inform the Senate what number of cases remained undisposed of on

the docket of the Supreme court on the 31st day of December last past—what number was at said time under submission and the number in the hands of each judge respectively, and the judges of said court be requested to inform the Senate what length of time it will probably require to dispose of the causes now on docket.

On motion by Mr. Edsall,

*Resolved*, That a committee on Swamp Lands be added to the standing committees of the Senate.

#### ORDERS OF THE DAY.

Bill No. 1. A bill to transfer the business pending in the probate courts, to the courts of common pleas.

Which was read a third time,

And the question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Adams, Barnett, Barton, Black, Brookshire, Brown, Butler, Combs, Cox, Cutshaw, Edsall, Edwards, Gant, Gibson, Glazebrook, Greathouse, Griggs, Gordon, Hall, Harris, Hawthorn, Helm, Hendry, Horton Humphreys, Jackson of Madison, Jackson of Tip-ton, Meeker, Morrison, Odell, Powell, Reynolds, Richardson, Roberts, Shellenberger, Shields, Shook, Simpson, Slater, Sullivan, Vandeventer, Williams, Wilson of Harrison, Wilson of Jay and Witherow—45.

No person voting in the negative.

So the bill passed.

Ordered that the Secretary inform the House thereof.

Mr. Gréathouse moved to reconsider the vote taken yesterday on the adoption of the resolution of Mr. Spann, in reference to taking newspapers.

Which motion did not prevail.

Mr. Barton offered the following resolution:

*Resolved*, That the Secretary of the Senate be directed to wait upon the publishers of the State Sentinel, State Journal, Locomotive, and Volksblatt, to ascertain the rates per copy, for three copies of each number of the daily issues of the Sentinel and Journal, and of the weekly issues of the Locomotive and Volksblatt; two of the said copies to be enveloped in good wrappers, and one copy to be open; that he report the rates, both including and without postage; and also consult the postmaster of this city, and learn what arrange-

ment can be made for transmission of both newspapers and documents by mail from the members of this body.

Which was adopted.

The following message was received from the House of Representatives by Mr. Bowes their clerk:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate, that the House has reciprocated the resolution of the Senate in regard to adopting the joint rules of the last House as the rules of joint action for the present session.

Also, the following message was received from the House of Representatives:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate, that the House has passed the following resolution:

*Resolved*, That the Senate be invited to attend in the Hall of the House instantler, for the purpose of opening the present General Assembly with prayer, and that seats be provided on the right of the Speaker's chair.

The Senate then, preceded by the president, repaired to the Hall of the House of Representatives, where the Throne of Grace was addressed by the Rev. C. W. Ruter, after which the Senate returned to their chamber.

Mr. Jackson of Madison submitted the following resolution:

*Resolved*, That the Senate will, the House concurring, on Tuesday next, at 10 o'clock A. M., in the Hall of the House of Representatives, proceed to elect a United States Senator, to fill the vacancy occasioned by the death of the Hon. James Whitcomb.

Which was adopted.

The following message was received from the House of Representatives, by Mr. Bowes, their Clerk:

MR. PRESIDENT:

- I am directed by the House of Representatives to inform the Senate that the House has passed the following resolution:

*Resolved*, That the House will, the Senate concurring therein, proceed this day, at the hour of two o'clock, P. M., to open and

publish the vote cast for Governor and Lieutenant Governor in this State at the last annual October election.

In which the concurrence of the Senate is respectfully requested.

Which was concurred in by the Senate.

On motion by Mr. Roberts,  
The Senate adjourned until 2 o'clock P. M.

2 o'clock, P. M.

The Senate assembled.

The President laid before the Senate the reports of the branches of the State Bank at New Albany, South Bend and Bedford.

Which,

On motion,

Were laid on the table.

On motion by Mr. Spann,

The vote taken this morning on the resolution of the House (contained in the message) in reference to opening and counting the vote for Governor and Lieutenant Governor, was reconsidered.

The question being on concurring in the resolution of the House, Mr. Humphreys moved to concur with the following amendment: Strike out "this day at 2 o'clock, and insert "on Monday next at 10 o'clock, A. M."

Which was agreed to.

On motion by Mr. Spann,

The following resolution was taken from the table:

*Resolved*, That the Senate now proceed to determine by lot, in such manner as shall be designated by the President of the Senate, the division of the Senate into two equal classes in accordance with the 3d section, 4th article of the constitution.

On motion by Mr. Sullivan,

A call of the Senate was ordered.

The Secretary proceeded to the call, when the following Senators answered to their names:

Messrs. Adams, Barnett, Barton, Black, Brookshire, Brown, Butler, Combs, Cox, Cutshaw, Edsall, Edwards, Gant, Gibson, Glazebrook, Greathouse, Griggs, Gordon, Hall, Harris, Hawthorn, Helm, Hendry, Horton, Hosbrook, Humphreys, Jackson of Madison, Jack-

son of Tipton, Kightley, Meeker, Morrison, Odell, Powell, Reynolds, Richardson, Roberts, Shallenberger, Shields, Shook, Simpson, Slater, Spann, Sullivan, Vandeventer, Williams, Wilson of Harrison, Wilson of Jay, and Withrow—48.

On motion by Mr. Spann,

The further call of the Senate was suspended.

The question then being on the adoption of the resolution;

It was decided it the affirmative.

The President of the Senate directed a ballot to be had.

Whereupon, fifty ballots were prepared, on twenty-five of which was written the words "1st class," and on twenty-five the words "2d class." The President then directed the Secretary to call the list of Senators, who drew respectively as their names were called; the President directing the Assistant Secretary to draw for the absentees, who were Messrs. Anthony and Robinson.

Those who drew the "1st class," were:

- From the counties of Adams and Allen*—Samuel Edsall.
- From the counties of Brown and Monroe*—Thomas M. Adams.
- From the county of Clark*—Thomas W. Gibson.
- From the counties of Carroll and Clinton*—Washington Black.
- From the county of Dearborn*—Richard D. Slater.
- From the county of Floyd*—James M. Morrison.
- From the county of Franklin*—Giles Gant.
- From the counties of Greene and Owen*—Andrew Humphreys.
- From the county of Harrison*—George P. R. Wilson.
- From the counties of Huntington and Wells*—Theodore Horton.
- From the county of Jefferson*—John H. Sullivan.
- From the counties of Knox, Daviess and Martin*—G. G. Barton.
- From the county of Lawrence*—John Edwards.
- From the counties of Miami and Wabash*—John Shallenberger.
- From the county of Morgan*—Algernon S. Griggs.
- From the counties of Noble, Kosciusko and Whitley*—S. D. Hall.
- From the counties of Orange and Crawford*—Joseph Cox.
- From the counties of Ohio and Switzerland*—William H. Powell.
- From the counties of Perry, Spencer and Warrick*—G. H. Roberts.
- From the counties of Parke and Vermillion*—Matthew Simpson.
- From the county of Wayne*—Oliver P. Butler.
- From the county of Shelby*—George W. Brown.
- From the county of Tippecanoe*—Alexander W. Gordon.
- From the counties of Vanderburgh and Posey*—Wm. R. Greathouse.
- From the counties of Warren, Benton, White and Jasper*—Elijah Odell.

Those who drew the "2d class," were:

- From the counties of Bartholomew and Jennings*—John L. Spann.
- From the counties of Cass, Howard and Pulaski*—Wm. C. Barnett.

— *From the counties of Delaware, Grant and Blackford*—Isaac Vandeventer.

— *From the counties of DeKalb and Steuben*—Alonzo W. Hendry.

— *From the county of Decatur*—William J. Robinson. Mr. Robinson being absent, was drawn for by the Assistant Secretary.

— *From the counties of Dubois, Gibson and Pike*—Wm. Hawthorn.

— *From the counties of Elkhart and Lagrange*—Thomas G. Harris.

— *From the county of Fountain*—Harris Reynolds.

— *From the counties of Fayette and Union*—Minor Meeker.

— *From the counties of Hamilton, Boone and Tipton*—N. J. Jackson.

— *From the county of Henry*—William W. Williams.

— *From the county of Hendricks*—John Witherow.

— *From the counties of Jackson and Scott*—Meedy W. Shields.

— *From the county of Johnson*—John W. Kightley.

— *From the counties of Laporte, Porter and Lake*—Samuel I. Anthony. Mr. Anthony being absent, was drawn for by the Assistant Secretary.

— *From the county of Montgomery*—Swan Brookshire.

— *From the county of Marion*—Percy Hosbrook.

— *From the counties of Madison and Hancock*—Andrew Jackson.

— *From the county of Putnam*—Loyd Glazebrook.

— *From the counties of Randolph and Jay*—Theophilus Wilson.

— *From the county of Rush*—Jefferson Helm.

— *From the county of Ripley*—Luther Shook.

— *From the counties of Vigo, Sullivan and Clay*—Michael Combs.

— *From the county of Washington*—Townsend Cutshaw.

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The following message was received from the House of Representatives by Mr. Bowes their Clerk:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House have concurred in the resolution of the Senate, providing for the proceeding to the election of a United States Senator, to fill the vacancy occasioned by the death of the Hon. James Whitcomb, on Tuesday next, at 10 o'clock, A. M.

Also the the following message was received from the House of Representatives by Mr. Bowes their Clerk:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House has concurred in the amendment of the Senate to resolution of the House, providing for counting and publishing the votes for Governor and Lieutenant Governor.

Mr. Hosbrook introduced

No. 2. A bill to transfer criminal cases over which circuit courts have no jurisdiction, to courts of common pleas.

Which was read a first time.

Mr. Hosbrook moved to suspend the rule and read the bill a second time now.

The question being, on suspending the rule.

*Those who voted in the affirmative were,*

Messrs. Adams, Barnett, Barton, Brookshire, Butler, Combs, Cutshaw, Edsall, Gant, Griggs, Hall, Hawthorn, Helm, Horton, Hosbrook, Humphreys, Jackson of Madison, Jackson of Tipton, Knightley, Morrison, Powell, Richardson, Roberts, Shallenberger, Shook, Slater, Spann, Sullivan, Vandeventer, Williams and Wilson of Jay—31.

*Those who voted in the negative were,*

Messrs. Cox, Edwards, Gordon, Harris, Hendry, Meeker, Odell, Simpson, Wilson of Harrison and Witherow—10.

So the rule was suspended.

The bill was read a second time, and,

On motion of Mr. Morrison,

Laid on the table.

On motion by Mr. Sullivan,

*Resolved*, That the Senate will, the House concurring, proceed on next Wednesday at 10 o'clock, A. M., to the election of Canal Trustee.

On motion by Mr. Black,

The Senate adjourned until to-morrow morning, 9 o'clock.

SATURDAY MORNING, 9 o'clock, }  
January 8, 1853. }

The Senate assembled.

The Journal of the preceding day was read.

Leave being granted,

Mr. Spann submitted the following resolution:

*Resolved*, That the State Printer be directed to lay upon the desks

of Senators one copy each of the 2nd volume of the Revised Statutes of 1852, for the use and examination of the Senate.

Which was adopted.

The President laid before the Senate the following report from the Doorkeeper:

MR. PRESIDENT:

In compliance with a resolution of the Senate, requiring the Doorkeeper to furnish a report of assistants appointed, I would respectfully report that I have appointed John Boyd and Charles N. White.

WM. H. BUFORD,  
*Doorkeeper.*

Hon. Samuel I. Anthony Senator from the counties of Lake, LaPorte and Porter, appeared, presented his credentials, was sworn in and took his seat.

The President laid before the Senate the following communication, and the report of the Board of Trustees of the Wabash and Erie Canal:

TERRE HAUTE, December 15, 1852.

HON. J. H. LANE,

*President of the Senate:*

SIR:—I have the honor to transmit herewith the report of the Board of Trustees of the Wabash and Erie Canal to be laid before the Senate.

Respectfully your obedient servant,  
CHARLES BUTLER,  
*President of the Board.*

Which report,

On motion by Mr. Gibson,

Was laid upon the table, and 500 copies ordered to be printed.

The President laid before the Senate, the following communication from the Secretary of the Senate:

SENATE CHAMBER, January 8, 1853.

HON. A. P. WILLARD,

*President of the Senate:*

You will please lay before the Hon. body over which you preside the enclosed communication.

Very respectfully,  
GEO. L. SITES,  
*Secretary of the Senate.*

Your Secretary, in obedience to a resolution adopted on yesterday, in relation to taking the newspapers of this city for distribution among the people of this State, and the payment of postage, both on newspapers and other documents sent by mail, would beg leave to submit the following

### REPORT.

Mr. Brown will furnish three copies of the State Sentinel to each member, at 3 cents per copy enveloped and 4 cents per copy enveloped and stamped. Mr. Defrees will furnish the Journal at 3 cents per copy enveloped and 4 cents per copy enveloped and stamped.

Messrs. Elder and Harkness will furnish the Locomotive at 3 cents per copy enveloped and stamped, and at 2 cents without stamps.

The publisher of the "Volksblatt," will furnish 3 copies to each member at 5 cents per copy with stamps and envelopes, and 4 cents per copy without stamps.

In relation to the postage on newspapers, documents, &c., the postmaster, Mr. Russell, informs me that he will transmit all mail matter at the rates fixed by law for pre-payment of newspapers, documents, &c., for the payment of which, your secretary would suggest, the passage of a resolution, authorizing the Auditor of State to audit the postage account on the certificate of the Secretary of the Senate.

All of which is respectfully submitted :

GEO. L. SITES,  
*Principal Secretary.*

Mr. Spann submitted the following resolution:

*Resolved*, That the Secretary of the Senate be authorized to contract with the several publishers of the papers for three copies of each of said papers to each member of the Senate, at the rate reported by the Secretary, without postage.

Mr. Helm moved to amend by striking out from the resolving clause, and insert:

That the Secretary be authorized to contract for one copy each of the State Sentinel and State Journal, for each member, at the advertised rates.

Pending which,

Mr. Gibson moved to indefinitely postpone the subject;  
Messrs. Gibson and Shields calling for the ayes and noes.

*Those who voted in the affirmative were,*

Messrs. Brookshire, Butler, Cutshaw, Edwards, Gant, Gibson, Glazebrook, Griggs, Gordon, Jackson of Madison, Jackson of Tip-ton, Kightley, Meeker, Morrison, Richardson, Roberts, Shields, Shook, Simpson, Slater and Witherow—21.

*Those who voted in the negative were,*

Messrs. Adams, Anthony, Barnett, Barton, Black, Combs, Cox, Edsall, Greathouse, Hall, Harris, Hawthorn, Helm, Hendry, Horton, Hosbrook, Humphreys, Odell, Powell, Reynolds, Shallenberger, Spann, Sullivan, Vandeventer, Williams and Wilson of Jay—26.

So it was not indefinitely postponed.

The question then being on Mr. Helm's amendment,

Mr. Combs moved to lay the resolution and amendments on the table;

Which was decided in the negative.

Mr. Humphreys moved to amend the amendment by striking it out and inserting:

That each member of the Senate shall be entitled to three copies of the State Sentinel and three copies of the State Journal, or at the option of the member, six of either.

On motion by Mr. Slater,

The amendment to the amendment was laid on the table.

The question was then taken on the amendment of Mr. Helm,

Which was decided in the negative.

Mr. Barnett submitted the following amendment:

Strike out from the resolving clause, and insert: That there be a committee of two Senators appointed to contract with the editors of the Sentinel and Journal, for three copies each of their daily editions; also, for three copies of the Weekly Volksblatt, for the use of each Senator, and to make arrangements with the Postmaster at this place for the forwarding of the same at the expense of the State.

The question then being upon the adoption of the amendment;

The ayes and noes were demanded by Senators Gibson and Meeker.

*Those who voted in the affirmative were,*

Messrs. Adams, Barnett, Barton, Black, Brookshire, Combs, Edsall, Greathouse, Hall, Harris, Hawthorn, Hendry, Horton, Hosbrook, Morrison, Odell, Powell, Reynolds, Roberts, Shallenberger, Spann and Sullivan—22.

*Those who voted in the negative were,*

Messrs. Butler, Cox, Cutshaw, Edwards, Gant, Gibson, Glazebrook, Griggs, Gordon, Helm, Humphreys, Jackson of Madison, Jackson of Tipton, Kightley, Meeker, Richardson, Shields, Shook, Simpson, Slater, Vandeventer, Williams, Wilson of Jay, and Withrow—24.

So the amendment was lost.

The question was then taken on the resolution submitted by Mr. Spann,

The ayes and noes being demanded by Messrs. Gibson and Spann.

*Those who voted in the affirmative were,*

Messrs. Greathouse, Harris, Hendry, Horton, Hosbrook, Humphreys and Spann—7.

*Those who voted in the negative were,*

Messrs. Adams, Barnett, Barton, Black, Brookshire, Butler, Combs, Cox, Cutshaw, Edsall, Edwards, Gant, Gibson, Glazebrook, Griggs, Gordon, Hall, Hawthorn, Helm, Jackson of Madison, Jackson of Tipton, Kightley, Meeker, Morrison, Odell, Powell, Reynolds, Richardson, Roberts, Shallenberger, Shields, Shook, Simpson, Slater, Sullivan, Vandeventer, Williams, Wilson of Harrison, and Witherow—39.

So the resolution was lost.

Mr. Slater moved to adjourn.

Which was decided in the negative.

The following message was received from the House of Representatives, by Mr. Bowes their Clerk.

**MR. PRESIDENT:**

I am directed by the House of Representatives to inform the Senate, that the House have concurred in the resolution of the Senate to proceed on Wednesday next, at 10 o'clock A. M. to the election of Canal Trustee.

The following message was received from the House of Representatives by Mr. Bowes their Clerk:

**MR. PRESIDENT:**

I am directed by the House of Representatives to inform the Senate that the House has reconsidered the vote concurring in the amendment of the Senate to the resolution of the House, in regard to the counting and publishing the votes for Governor and Lieutenant Governor, and have adopted the following amendment:

Strike out "Monday next," and insert "this day at 2 o'clock P. M."

In which the concurrence of the Senate is respectfully requested.

The question being on concurring in the amendment of the House, it was decided in the affirmative.

Mr. Sullivan submitted the following resolution:

*Resolved*, That the Senate will, the House concurring, proceed on

Friday next at 10 o'clock A. M. to the election of Agent of State.

Mr. Slater moved to lay the resolution on the table,

Which was decided in the negative.

The question then being taken on the adoption of the resolution,  
It was lost.

The following message was received from the House of Representatives by Mr. Bowes their clerk:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House has passed the following resolution:

*Resolved*, That the House will, the Senate concurring proceed to the election of State Printer on Thursday next at 2 o'clock P. M.

In which the concurrence of the Senate is respectfully requested.  
Which,

On motion by Mr. Gibson,  
Was concurred in by the Senate.

On motion by Mr. Horton,

*Resolved*, That in addition to the regular standing committees, there be established a committee on county and township business.

The following message was received from the House of Representatives by Mr. Bowes their Clerk:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House has passed the following resolution:

*Resolved*, That the House will, the Senate concurring therein, proceed to the election of State Librarian on Wednesday next, at 2 o'clock, P. M.

In which the concurrence of the Senate is respectfully requested.

The question being on concurring in the resolution of the House;  
It was decided in the affirmative.

The following message was received from the House of Representatives, by Mr. Bowes, their Clerk:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House has passed the following resolution:

*Resolved*, That the House will, the Senate concurring, proceed to the election of President of the State Bank, on Thursday next, at 10 o'clock, A. M.

In which the concurrence of the Senate is respectfully requested.

Which was concurred in by the Senate.

On motion,  
The Senate adjourned until 2 o'clock, P. M.

2 O'CLOCK, P. M.

Senate assembled.

The President laid before the Senate the following communication from the Treasurer of State, accompanied by his annual report, which report was,

On motion by Mr. Meeker,

Laid upon the table, and 500 copies ordered to be printed.

OFFICE OF TREASURER OF STATE, }  
Indianapolis, January 8, 1853. }

HON. J. H. LANE,

*President of the Senate:*

SIR:—I have the honor to lay before the body over which you preside, my annual report for the fiscal year ending on the 31st of October, 1852.

I have the honor to be,

Very respectfully,

Your obedient servant,

J. P. DRAKE,

*Treasurer of State.*

The following message was received from the House of Representatives by Mr. Bowes, their Clerk:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House has passed the following resolution:

*Resolved*, That the Senate be invited to attend in the Hall of the House instantler, to proceed to open and publish the vote cast for Governor and Lieutenant Governor at the last annual election; and seats be prepared for the Senators on the right of the Speaker's chair.

Whereupon, the Senate repaired to the Hall of the House of Representatives, and in joint convention the Speaker of the House of Representatives proceeded to open and publish, in [presence of] both Houses of the General Assembly, met in convention as aforesaid, the certified statements of the returns of each election for Governor and Lieut. Governor, given at the last annual election, held on the 12th day of Oct., 1852; and upon completing the same, it appeared that

Joseph A. Wright received for Governor, 92,576 votes.

Nicholas McCarty received for Governor, 73,641 votes.

Andrew L. Robinson received for Governor, 3,303 votes.

J. L. Robinson received for Governor, 1 vote.

S. S. Harding received for Governor, 1 vote.

Joseph A. Wright having received a plurality of the votes given for

Governor, was declared by the President of the Senate, acting as president of the convention, duly elected Governor of the State of Indiana, to serve as such for the term of four years from and after the second Monday of January, A. D. 1853.

It further appeared that Ashbel P. Willard received for Lieutenant Governor, 90,239 votes.

William Williams received for Lieutenant Governor, 75,094 votes.

James P. Milliken received for Lieutenant Governor, 3,086 votes.

E. B. Crocker received for Lieutenant Governor, 78 votes.

S. C. Stevens received for Lieutenant Governor, 14 votes.

Ashbel P. Willard having received the highest number of votes given for Lieutenant Governor, was declared by the President of the Senate, acting as President of the convention, duly elected Lieutenant Governor of the State of Indiana, to serve as such for the term of four years from and after the second Monday of January, A. D. 1853.

The President then declared the convention adjourned without day, and the Senate returned to their chamber.

On motion by Mr. Gibson,

*Resolved*, That there be added to the standing committees of the Senate, a committee on temperance, to consist of five members.

On motion by Mr. Gibson,

The Senate adjourned until Monday morning, 9 o'clock.

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MONDAY MORNING, 9 o'clock, }  
January 10th, 1853. }

The Senate assembled.

On motion by Mr. Brown,

The order of business was suspended;

When the following message was received from the House of Representatives by Mr. Bowes their clerk.

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House have adopted the following resolution:

*Resolved*, That a committee of two be appointed on the part of

the House to act with a similar committee on the part of the Senate to wait on his excellency Joseph A. Wright and the Hon. Ashbel P. Willard and inform them of their election, the first to the office of Governor, and the second to the office of Lieutenant Governor of the State of Indiana, and to ascertain from them what time it will suit their convenience to take the oath of office.

Messrs. Gentry and Hendricks, committee on the part of the House,

In which the concurrence of the Senate is respectfully requested.

Which was concurred in.

And Senators Brown and Spann appointed on the part of the Senate.

The Journal of the preceding day was then read.

On motion by Mr. Edwards,

*Resolved*, That the committee on the Judiciary be instructed to inquire into the expediency of reporting a bill as soon as practicable to abolish the office of Agent of State.

Mr. Edwards submitted the following resolution :

*Resolved*, That the committee on the Judiciary be, and they are hereby instructed to prepare and report as soon as practicable, a bill to abolish the courts of common pleas of this State, and to provide for a cheaper and more convenient means of transacting the business at present included in the jurisdiction of said courts of common pleas.

The question being on the adoption of the resolution,

The ayes and noes were demanded by Messrs. Gibson and Edwards.

*Those who voted in the affirmative were,*

Measrs. Adams, Cutshaw, Edwards, Gibson, Glazebrook, Gordon, Meeker, Shields, Shook and Witherow—10.

*Those who voted in the negative were,*

Messrs. Barnett, Black, Brookshire, Butler Combs, Cox, Edsall, Gant, Greathouse, Griggs, Hall, Harris, Hawthorn, Hendry, Horton, Kightley, Morrison, Odell, Powell Richardson, Roberts, Shallenberger, Simpson, Slater, Vandeventer, Williams and Wilson of Jay—27.

So the resolution was not adopted.

Senator Barton was,

On motion,

Excused from voting.

Mr. Adams submitted the following resolution :

*Resolved*, That the Door-keeper of the Senate be instructed to contract with the publishers of the State Sentinel and State Journal for three copies each of their daily papers for the use of Senators, two copies of each to be delivered in envelopes, and that he make arrangements with the postmaster of this city for the transmission of the same by mail.

The question being on the adoption of the resolution,

The ayes and noes were demanded by Senators Gibson and Gordon.

*Those who voted in the affirmative were,*

Messrs. Adams, Anthony, Barton, Black, Brookshire, Combs, Cox, Edsall, Greathouse, Hall, Harris, Hawthorn, Hendry, Horton, and Odell—15.

*Those who voted in the negative were,*

Messrs. Barnett, Butler, Cutshaw, Gant, Gibson, Glazebrook, Griggs, Gordon, Kightly, Meeker, Morrison, Powell, Reynolds, Richardson, Roberts, Shallenberger, Shields, Shook, Simpson, Slater, Vandeventer, Williams and Wilson of Jay—23.

So the resolution was not adopted.

Mr. Greathouse submitted the following resolution:

*Resolved*, That the Door-keeper be authorized to contract with the editors of the State Sentinel and Volksblatt for 3 copies of their paper enveloped and arrangement made with the postmaster for the forwarding of the same.

The question being on the adoption of the resolution,

The ayes and noes were demanded by Messrs. Witherow and Butler.

*Those who voted in the affirmative were,*

Messrs. Adams, Anthony, Barnett, Black, Edsall, Greathouse, Hall, Hawthorn, Horton, Hosbrook and Humphreys—11.

*Those who voted in the negative were,*

Messrs. Barton, Brookshire, Butler, Combs, Cox, Cutshaw, Edwards, Gant, Gibson, Glazebrook, Gordon, Harris, Helm, Hendry, Kightly, Meeker, Morrison, Odell, Powell, Reynolds, Richardson, Roberts, Shallenberger, Shields, Shook, Simpson, Slater, Vandeven-

ter, Williams, Wilson of Harrison, Wilson of Jay, and Witherow—32.

So the resolution was not adopted.

Mr. Black submitted the following resolution :

*Resolved*, That the Door-keeper of the Senate be instructed to contract with the publishers of the Daily Sentinel for five copies of his paper, four with envelopes and one without, and with the publishers of the Locomotive and Volksblatt, for 3 copies each of their weekly papers, two with envelopes and one without; and that arrangements be made with the postmaster for the forwarding of the same.

On motion by Mr. Adams,

A call of the Senate was ordered.

When the following Senators answered to their names :

Messrs. Adams, Anthony, Barnett, Barton, Black, Brookshire, Butler, Combs, Cox, Cutshaw, Edsall, Edwards, Gant, Gibson, Glazebrook, Greathouse, Griggs, Gordon, Hall, Harris, Hawthorn, Helm, Hendry, Horton, Hosbrook, Humphreys, Kightley, Meeker, Morrison, Odell, Powell, Reynolds, Richardson, Roberts, Shallenberger, Shields, Shook, Simpson, Slater, Vandeventer, Williams, Wilson of Harrison, Wilson of Jay, and Witherow—44.

On motion by Mr. Humphreys,

The further call of the Senate was suspended.

Mr. Adams moved to strike out the Locomotive and Volksblatt.

Which was not agreed to.

The question being on the adoption of the resolution,

The ayes and noes were demanded by Senators Witherow and Butler.

*Those who voted in the affirmative were,*

Messrs. Adams, Black, Edsall, Greathouse, Horton, Hosbrook, Humphreys, Powell, and Spann—9.

*Those who voted in the negative were,*

Messrs. Anthony, Barnett, Barton, Brookshire, Butler, Combs, Cox, Cutshaw, Edwards, Gant, Gibson, Glazebrook, Griggs, Gordon, Hall, Harris, Hawthorn, Helm, Hendry, Kightley, Meeker, Morrison, Odell, Reynolds, Richardson, Roberts, Shallenberger, Shields, Shook, Simpson, Slater, Vandeventer, Williams, Wilson of Harrison, Wilson of Jay, and Witherow—36.

So the resolution was not adopted.

Mr. Gibson submitted the following resolution:

*Resolved*, That the Senate will take no newspapers at the public expense.

The question being on the adoption of the resolution,  
The ayes and noes were demanded by Senators Gibson and Shields.

*Those who voted in the affirmative were,*

Messrs. Barton, Cutshaw, Edwards, Gant, Gibson, Glazebrook, Griggs, Gordon, Helm, Kightley, Meeker, Richardson, Roberts, Shields, Shook, Simpson, Slater, Vandeventer, Williams, Wilson of Harrison, and Witherow—21.

*Those who voted in the negative were,*

Messrs. Adams, Anthony, Barnett, Black, Brookshire, Brown, Combs, Cox, Edsall, Greathouse, Hall, Harris, Hawthorn, Hendry, Horton, Hosbrook, Humphreys, Morrison, Odell, Powell, Reynolds, Shallenberger, Spann, and Wilson of Jay—24.

So the resolution was not adopted.

Mr. Humphreys submitted the following resolution:

*Resolved*, That the doorkeeper shall be authorized to contract with the editors of the State Sentinel and State Journal for three copies each of their papers, to be paid for by each member.

Mr. Adams moved to amend by adding, "that desire them."  
Which was agreed to.

The question recurring on the adoption of the resolution,  
It was decided in the negative.

Mr. Brown, from a select committee, made the following report:

MR. PRESIDENT:

The committee appointed on the part of the Senate to act with a similar committee on the part of the House, to wait on his excellency, the Governor elect, and on Hon. A. P. Willard, Lieutenant Governor elect, have performed that duty, and report that the inauguration will take place this day at 2 o'clock, P. M.

On motion by Mr. Edwards,

*Resolved*, That the doorkeeper be instructed to lay upon the desks of Senators, the act regulating the estate of decedents before the court of common pleas.

Mr. Horton submitted the following resolution :

*Resolved*, That the doorkeeper be instructed to contract with the publishers of the Daily Sentinel and Daily Journal for three copies of their paper for each member, two with envelops and one without, at the usual rate of furnishing to subscribers, and with the publisher of the Volksblatt, for three copies of his weekly paper, two with envelopes and one without, at the same rates; and to make arrangements with the postmaster for the forwarding of the same, at the expense of the State.

Mr. Wilson of Harrison moved to amend by striking out all after "Indiana State Sentinel and Journal."

Mr. Edsall moved to lay the amendment on the table,

And the question being put;

The ayes and noes were demanded by Senators Wilson of Harrison and Humphreys.

*Those who voted in the affirmative were,*

Messrs. Adams, Anthony, Barnett, Black, Brookshire, Brown, Butler, Combs, Cox, Edsall, Gant, Gibson, Glazebrook, Greathouse, Griggs, Gordon, Hall, Harris, Hawthorn, Helm, Handy, Horton, Humphreys, Jackson of Tipton, Kightley, Meeker, Morrison, Odell, Powell, Reynolds, Richardson, Roberts, Shallenberger, Shields, Shook, Simpson, Slater, Spann, Sullivan, Vandeventer, Wilson of Jay and Witherow—42.

*Those who voted in the negative were,*

Messrs. Williams and Wilson of Harrison—2.

So the amendment was laid on the table.

Mr. Wilson of Harrison moved to amend by adding "three copies of the Locomotive."

Mr. Brown moved to lay the amendment on the table.

The question being on laying the amendment on the table.

The ayes and noes were demanded by Senators Wilson of Harrison and Butler.

*Those who voted in the affirmative were,*

Messrs. Adams, Anthony, Barnett, Barton, Black, Brookshire, Brown, Combs, Edsall, Gant, Glazebrook, Griggs, Gordon, Harris, Helm, Hendry, Horton, Hasbrook, Humphreys, Jackson of Tipton, Meeker, Morrison, Odell, Powell, Reynolds, Roberts, Shook, Slater, Spann, Sullivan and Williams—31.

*Those who voted in the negative were,*

Messrs. Butler, Cox, Cutshaw, Gibson, Greathouse, Hall, Hawthorn, Kightley, Richardson, Shallenberger, Shields, Simpson, Vandeventer, Wilson of Harrison, Wilson of Jay and Witherow—16.

So the amendment was laid on the table.

Mr. Wilson of Harrison moved to lay the resolution on the table;

The ayes and noes being demanded by Senators Wilson and Helm.

*Those who voted in the affirmative were,*

Messrs. Butler, Edwards, Gant, Griggs, Helm, Meeker, Richardson, Shields, Shook, Simpson, Slater, Sullivan, Vandeventer, Williams, Wilson of Harrison, Wilson of Jay and Witherow—17.

*Those who voted in the negative were,*

Messrs. Adams, Anthony, Barnett, Barton, Black, Brookshire, Brown, Combs, Cox, Cutshaw, Edsall, Glazebrook, Greathouse, Hall, Harris, Hawthorn, Hendry, Horton, Hosbrook, Humphreys, Jackson of Tipton, Kightley, Morrison, Odell, Powell, Reynolds, Roberts, Shallenberger and Spann—29.

So the resolution was not laid on the table.

Mr. Witherow moved to amend by adding after the word Volksblatt, three copies each of the Temperance Chart, Free Democrat, and Locomotive.

The question being on the adoption of the amendment,

The ayes and noes were demanded by Senators Witherow and Butler.

*Those who voted in the affirmative were,*

Messrs. Butler, Cox, Cutshaw, Edwards, Hendry, Richardson, Simpson, Vandeventer, Wilson of Harrison and Witherow—10.

*Those who voted in the negative were,*

Messrs. Adams, Anthony, Barnett, Barton, Black, Brookshire, Brown, Combs, Edsall, Gant, Gibson, Glazebrook, Greathouse, Griggs, Gordon, Hall, Harris, Hawthorn, Helm, Hosbrook, Horton, Humphreys, Jackson of Tipton, Kightley, Meeker, Morrison, Odell, Powell, Reynolds, Roberts, Shallenberger, Shields, Shook, Slater, Spann, Sullivan, Williams and Wilson of Jay—38.

The question then recurring on the adoption of the resolution of Mr. Horton,

The ayes and noes were demanded by Senators Witherow and Butler.

*Those who voted in the affirmative were,*

Messrs. Adams, Anthony, Barnett, Barton, Black, Brookshire, Brown, Combs, Cox, Edsall, Greathouse, Hall, Harris, Hawthorn, Hendry, Horton, Hosbrook, Humphreys, Jackson, of Tipton, Kightley, Morrison, Odell, Powell, Reynolds Roberts, Shallenberger, Spann, Sullivan and Wilson of Jay—29.

*Those who voted in the negative were,*

Messrs. Butler, Cutshaw, Edwards, Gant, Glazebrook, Griggs, Gordon, Helm, Meeker, Richardson, Shields, Shook, Simpson, Slater, Vandeventer, Williams, Wilson of Harrison and Witherow—18.

So the resolution was adopted.

The following message was received from the House of Representatives by Mr. Bowes their clerk.

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House has passed the following resolution:

*Resolved*, That a committee of two be appointed on the part of the House of Representatives to act with a similar committee on the part of the Senate, to invite the judges of the supreme court to attend this day at 2 o'clock P. M., to be present at the inauguration of the Governor and Lieutenant Governor, and that seats be provided for them on the right of the Speaker's chair, and that Messrs. Jones of Ripley and Orr are appointed said committee on the part of the House.

In which the concurrence of the Senate is respectfully requested.

Which was concurred in.

And Messrs. Odell and Cox were appointed on the part of the Senate.

On motion by Mr. Sullivan,

*Resolved*, That the name of the 12th standing committee be changed so as to read, on public expenditures instead of public buildings.

On motion by Mr. Shook,

*Resolved*, That the doorkeeper is hereby directed not to put in use the coal grate procured for the use of the Senate.

On motion by Mr. Spann,

The Senate adjourned until 2 o'clock P. M.

2 O'CLOCK, P. M.

The Senate assembled.

Mr. Odell, from a select committee made the following report :

MR. PRESIDENT:

The committee appointed to wait upon their honors, the Judges of the Supreme Court, in conjunction with a similar committee on the part of the House, beg leave to report that they have discharged their duty, and that it is the pleasure of said judges to comply with the request.

The following message was received from the House of Representatives by Mr. Bowes their Clerk :

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House has passed the following resolution :

*Resolved*, That the Senate be invited to attend, *instantly*, in the Hall of the House of Representatives, to witness the inauguration of the Governor and Lieutenant Governor of this State.

Which,

On motion,

Was reciprocated.

Whereupon the Senate repaired to the Hall of the House of Representatives, where in the presence of both Houses, the oath to support the Constitution of the State of Indiana, and the oath of office was administered to the Governor and Lieutenant Governor, by the Hon. Samuel E. Perkins, one of the Judges of the Supreme Court of Indiana.

After which the Governor delivered the following address:

*Senators, Representatives, and Fellow Citizens :*

Having taken the oath of office, as required by the law, in the presence of both Houses of the General Assembly in convention, permit me to return to you, and, through you, to our fellow citizens, my grateful acknowledgments for this, the second manifestation of their confidence and approval, in electing me to the chief executive office of the State.

The approbation, confidence, and respect of my fellow citizens are, above all things, the most grateful to my heart. I have not language at command to express the gratitude I feel towards the people of my adopted State, who have again called me to preside over their interests, under peculiar circumstances, and by so decided an expression of their will.

In my estimation, there is no other position equal to the one they have assigned me. The constitution, which is the supreme law in this State at least, in spirit, if not by its letter, prohibits me from seeking or accepting any other office during the term for which I have been elected. This provision was, no doubt, intended to extend to national as well as State officers; and whatever question may exist as to the power of a State to limit the qualifications of the officers of the General Government, there can be none as to the right of the people of a State to limit their own action in making appointments to such offices. I therefore desire to say in this public manner, and in the presence of their representatives, that during the period prescribed for the existence of my present office, I shall devote my whole time, and exert my utmost abilities to promote the happiness, peace, and prosperity of the people of the State.

The numerous subjects alluded to in my annual message to the General Assembly, a few days since, will be a sufficient apology for making this address brief.

The tendency of the times is towards the extension of the powers of the General Government, at the expense of those of the State governments. This was foreseen by the fathers of the revolution, and they endeavored to counteract it; but there can be no doubt that the evil is increasing.

This tendency of the General Government to absorb the rights of the States, was one of the consequences of our system from which Mr. JEFFERSON apprehended the greatest evils. Fifty-four years ago he wrote to his friend John Taylor, of Caroline, as follows:

"It is a singular phenomenon that while our State governments are the *very best in the world*, without exception or comparison, our General Government has, in the rapid course of nine or ten years, become more arbitrary, and has swallowed more of the public liberty than even that of England."

If this was true at that time, when the revenue and expenditures of the General Government were but a few millions, when the number of officers and emoluments were small in comparison, what would have been the language of that great statesman, if he were now living, and called upon to give his opinion of the powers and influence of the national government?

The great fault is, that we have not enough of State pride and State ambition; and that we do not fully appreciate our position as members of a confederated union of sovereign States, rather than as the people of a single consolidated nation. We should look more to the immediate government at home for the advantages to be derived from our social compact, and less to the powers of the General Government, which were delegated chiefly to preserve unity in our intercourse with foreign nations.

We should endeavor by all the legitimate means in our power, to foster such a course of State policy as will give full employment to all the talents and energies of the people. There are numerous

objects worthy of their attention here, at home, and an ample field in which those who are inspired with a laudable ambition to become public benefactors, may give full scope to their exertions.

We have been, for many years, justly chargeable with having importuned the General Government, by joint resolutions, for all kinds of relief, and for donations in every imaginable case, until we have almost taught our people to look to Washington, instead of to their own capital, for the benefits of legislation. One of the consequences of this practice is, that many of our citizens have been led to give greater attention to the appointments of office, to the operations and management of the General Government, than to those of our own State administration.

Is it not a striking fact, illustrating this tendency to consolidation, that in our own prosperous State, during the past year, when our fellow-citizens were called upon to select the officers to manage the executive, judicial, and legislative departments, to make and administer the laws that are to control and regulate their personal rights, their property, and their character while living, and those of their widows, children and heirs, when they shall be no more,—is it not, I say, a striking exemplification of the absorbing tendencies of the powers of the National Government, that fifteen thousand more of our fellow-citizens turned out to take part in the election of a President of the United States, than did at their State election, involving such important interests? In some of our sister States the difference was even much greater.

Our duty is plain. Our interest is self-evident. They are to keep the General Government within the clearly expressed powers of the constitution; and to claim for the State administration all the powers not surrendered to the national government, and that belong to an independent and free people. The great difference in the amount of compensation allowed to the National and State officers, is, no doubt, one cause of the greater interest being taken in the election of the former. It would, certainly, be desirable if the pay of these officers could be more equalized.

There is one subject, however, upon which we might with great propriety, give an expression to the members of congress by joint resolution. I allude to the entire abolition of the *franking privilege*. This is a measure which is imperatively demanded. The privilege is liable to great abuses, and it injuriously affects the rights of the people of the States, without affording them any adequate advantage in return.

We frequently suffer ourselves to be led into the advocacy of new departments in the general government, without thinking that the establishment of every new office at Washington, is the absorption of so much of State rights.

The evils that follow from the concentration of the attention of the people to national offices are extravagance in expenditures, an intense excitement pending the election of national officers, and a

neglect of the people and their representatives to look to their own State policy, and to build up such institutions at home as are calculated to benefit them in all the relations of life, and to make them a happy and prosperous community.

It should ever be regarded as a settled axiom with our people, that they have no intelligence and no funds at Washington that do not come from the people of the States; that if we wish information or means to carry on public improvements, or to make statistical tables of our products or resources, they should be provided under our own supervision and by our own officers. For assuredly, the declaration made by Mr. JEFFERSON half a century ago, that economy is inseparably connected with the principle that the *ballot-box* and the *taxing power* should be kept together, is a truth, and the farther they are separated, the greater danger there will be that necessary expenditures will degenerate into extravagance.

We have evidence of this in the fact that committees are sitting in the vacation of Congress, ferreting out charges involving sums of money more than equal to our ordinary State expenses for five years, said to have been fraudulently obtained from the government. The President, in his annual message, has been constrained to direct the attention of Congress to the propriety of providing an additional criminal code to prevent official bribery and corruption.

We find in all the States evidences of Mr. JEFFERSON's views. It is exhibited every year in our annual elections, by the interest the people take in the small expenditures at home, even down to the payment of the *wood-sawyers* at the capital, while the expenditures of the General Government of thousands of dollars, where only cents are expended in the States, scarcely arouses the attention or disturbs the equanimity of the press.

It is sound policy to pay to the officers of the State, who have to administer the laws, and to decide questions involving the rights of the citizens in all the relations of life, sufficient compensation to insure the services of men of integrity and the proper qualifications.

It is certain that the salaries allowed to many of our county officers, such as clerks, treasurers, and others, are not sufficient. The persons who hold these offices in many of the counties must abandon them, or make their living in some other way. Holding these views it would meet my hearty approval if the salaries of such officers were made sufficient, at least, for their support.

The well-known opinions of the people of Indiana on all the national topics of the day—the promptness and unanimity with which they have expressed their views on every question that has arisen touching the harmony of the confederacy, their aversion to the agitation of sectional questions, their devotion to the Union, as expressed on all appropriate occasions, as well as our geographical position among the sisterhood of States—all these call upon us, with a commanding voice to take a decided stand upon the questions that necessarily arise in a confederacy like ours, as to the powers of the

general and State governments, and to throw the whole weight of our influence in favor of preserving that simplicity of structure in our governmental fabric which existed in the design of its original founders.

In the wide expanse of our territory, now stretching from ocean to ocean, the swelling tide of emigration will soon add new States to our Union. In the midst of this rapid movement, let Indiana take her stand upon the great principles of *State Legislation*, *State pride* and *State ambition*. Let our sentiments be, that the hope of perpetuating our institutions, rests upon the adoption of that system of legislation that throws the several States of this Union more and more upon their own resources, and confines the action of the general government within the acknowledged powers granted by the Constitution, reserving all other powers to the States and the people for exercise.

We have a great work before us. We have commenced a new system under an admirable constitution, and we can most profitably employ our whole time in developing our own resources, and improving our own institutions.

The common school system must be matured, and so arranged, that it can be sustained by the people, and made capable of furnishing the means of instruction to every child in each district of the State. The burdens of the people by taxation must be lightened by the gradual reduction of the State debt. We must adopt an efficient system of agricultural and mechanical associations, so well calculated to make labor attractive, and to develop the energies of the people in agriculture, commerce, and manufactures. We must lay bare the iron, coal, marble, rock, soil, and salt of the State, by the investigation of skillful geologists, and thus draw additional capital and labor within our borders. All these objects demand our attention and will well repay us for our exertions.

Our march is rapid. We have now in Indiana more than 800 miles of railroads in operation, 1200 miles of plank roads, and 550 miles of navigable canal. No State in the Union has so many miles of improvements of these descriptions, in proportion to its population.

If we shall be prudent, economical in our expenditures, and shall direct our energies to the great work of developing our real sources of wealth, we may make Indiana what she should be, the first State in the Union.

I enter upon the duties which my fellow citizens have assigned me, with doubts as to my ability to accomplish the work. Were it not for your counsels, that of the other departments of the government, and the aid and support of the people, I should shrink from the task before me.

Looking devoutly to that being who alone is able to impart wisdom and knowledge, and to the indulgence and partiality of my fellow-citizens, I assume again the chief executive office of the State,

and renew my determination to devote myself exclusively to the welfare and prosperity of Indiana.

After which the Senate returned to their chamber; when, Hon. James H. Lane, upon vacating the chair delivered the following valedictory address:

SENATORS:—Our relations are about to be dissolved. Accept my heartfelt thanks for the many acts of kindness I have received at your hands during the brief period I have had the honor to preside over our deliberations. I trust your session will be harmonious, and beneficial to the constituency you represent, and to our common country. That your every act will be characterized by independence, with economy as your watchword, I tender each one of you my best wishes for your welfare and happiness. Farewell!

When, Senators Brown and Spann conducted the Hon. Ashbel P. Willard, Lieutenant Governor elect to the President's chair, Whereupon he delivered the following address:

SENATORS:—The principal official duty devolving upon me, is to preside over this body; that this may be done with success, it is essential that order be maintained.

My earnest wishes are, that you will assist me in securing this result, and that your deliberations may terminate with honor to yourselves, and advantage to those whom you represent.

On motion by Mr. Adams,  
The Senate adjourned until to-morrow morning, 9 o'clock.

TUESDAY MORNING, 9 o'clock, }  
January 11, 1853. }

The Senate assembled.

The Journal of the preceding day was read.

The President laid before the Senate the report of the cashier of the branch bank at Indianapolis,  
Which,

On motion,  
Was laid on the table.

Mr. Witherow submitted the following resolution:

*Resolved*, That the thanks of the Senate be tendered to the Hon. James H. Lane, for the able and impartial manner in which he presided over the deliberations of this body.

Which was unanimously adopted.

Mr. Brookshire submitted the following resolution :

*Resolved*, That the Doorkeeper be authorized to contract with the publishers of the Locomotive for two copies of their weekly paper, to be done up with wrappers and stamps, provided he will furnish them at his usual rates to subscribers.

The question being upon the adoption of the resolution.

The ayes and noes were demanded by Senators Slater and Gant.

*Those who voted in the affirmative were,*

Messrs. Black, Brookshire, Cox, Cutshaw, Edsall, Gibson, Gordon, Hall, Hawthorn, Horton, Hosbrook, Kightley, Reynolds, Richardson and Spann—15.

*Those who voted in the negative were,*

Messrs. Adams, Anthony, Barnett, Barton, Brown, Butler, Combs, Edwards, Gant, Glazebrook, Griggs, Harris, Helm, Hendry, Jackson of Madison, Jackson of Tipton, Meeker, Morrison, Odell, Powell, Roberts, Shallenberger, Shook, Simpson, Slater, Vandeventer, Williams and Witherow—29.

So the resolution was not adopted.

The following message was received from the House of Representatives by Mr. Bowes their Clerk :

MR. PRESIDENT :

I am directed by the House of Representatives to inform the Senate that the House has passed the following engrossed bill of the Senate No. 1, entitled a bill to transfer the business pending in the probate courts to the courts of common pleas, with sundry engrossed amendments thereto.

In which the concurrence of the Senate is respectfully requested.

On motion,

The 2nd, 3d, 4th and 5th engrossed amendments of the House, to Senate bill No. 1, contained in the foregoing message, were concurred in.

Mr. Gibson moved to concur in the amendment of the House to the title of Senate bill No. 1, contained in the message, with the following amendment :

Strike out the first amendment of the House, and insert the fol-

lowing after the words "probate courts:" "and probate business pending in the circuit courts;" also, add the following at the end of the title: "To provide for empanneling juries, and to legalize all business heretofore done therein."

Which was concurred in.

Ordered, that the Secretary inform the House thereof.

The President laid before the Senate the following report from the Doorkeeper:

MR. PRESIDENT:

In compliance with a resolution of the Senate, directing me to contract with the publishers of the Daily Sentinel, Daily Journal and weekly Volksblatt for three copies of their respective papers, I would respectfully report that I have conferred as directed, and contracted with the publishers of the Sentinel and Volksblatt and Journal, at the usual rates of furnishing to subscribers. I have also conferred with the postmaster and contracted with him for the transmission of the same, as prescribed in the resolution.

WM. H. BUFORD,  
*Door-keeper of Senate.*

The President laid before the Senate the following communication from the State Printer:

HON. A. P. WILLARD,  
*President of the Senate:*

SIR:—I have placed in the hands of the Door-keeper in obedience to a resolution of the Senate, fifty copies of the Revised Statutes of 1852, volume 2, being one for each Senator. It will be seen that the volume is incomplete and unfinished. It contains, however, all the laws of the last session, not heretofore published in the other volume.

Very respectfully,  
J. P. CHAPMAN, *State Printer.*  
By ELLIS & SPANN.

Mr. Wilson of Harrison moved to reconsider the vote on concurring in the engrossed amendments of the House to Senate bill No. 1.

Pending which,

The following message was received from the House of Representatives, by Mr. Bowes their clerk:

**MR. PRESIDENT:**

I am directed by the House to inform the Senate that the House have passed the following resolution:

*Resolved*, That the Senate be invited to attend, instantler, in the Hall of the House to proceed to the election of a United States Senator, and seats be provided on the right of the Speaker's chair.

Which was reciprocated by the Senate.

The Senate then repaired in a body, preceded by their President, to the Hall of the House of Representatives, and took the seats prepared for them, when both Houses of the General Assembly, as a convention, proceeded by a joint *viva voce* vote, to the election of a Senator for the State of Indiana to the Congress of the United States, to serve until the fourth day of March, 1855, it being to fill the vacancy occasioned by the death of Hon. James Whitcomb.

*Those who voted for John Pettit on the part of the Senate were,*

Messrs. Adams, Anthony, Barnett, Barton, Black, Brookshire, Brown, Cox, Cutshaw, Edsall, Gant, Gibson, Glazebrook, Great-house, Gordon, Hall, Hawthorn, Horton, Hosbrook, Humphreys, Jackson of Madison, Jackson of Tipton, Kightly, Morrison, Powell, Reynolds, Richardson, Roberts, Shallenberger, Shields, Shook, Slater, Spann and Sullivan.

And those on the part of the House were:

Messrs. Able, Brecount, Bridges, Brothwell, Brown, Buell, Bundy, Catlin, Chapin, Clark, Cooper, Dodd, Donelson, Druley, Dufour, Dunlavey, Durham, Emery, Farnsley, Fleming, Gentry, Gootee, Hammond, Handy, Hartley, Henry, Henton, Hicks, Howell, Jones of Boone, Jones of Jennings, Jones of Ripley, Lasselle, Lemmon, Lewis, Lowe, Manville, Maxfield, McCormick, McClure, McDonald of Lake, McDonnall of Sullivan, McKee, McKinney, Milroy, Moss, Parker, Price, Read, Richardson, Rockafellar, Seawright, Shoemaker, Simpson, Spencer, Stackhouse, Stephens, Struble, Sutton, Tanner, Thomas, Turpie, Underwood, Walker of Laporte, Wilson, Work, and Mr. Speaker—101.

Those who voted for Samuel W. Parker, on the part of the Senate, were:

Messrs. Butler, Combs, Edwards, Griggs, Harris, Helm, Hendry, Meeker, Odell, Simpson, Vandeventer, Williams, Wilson of Harrison, Wilson of Jay, and Witherow.

And those on the part of the House were:

Messrs. Ballard, Burnett, Donald, Dyer, Ferris, Ferguson, Free-

land, Goodman, Greene, Hamrick, Hunt, Jennings, Johnson, Laird, Lines, Martin, Orr, Peckenpaugh, Pratt, Ryan, Scott, Service, Shelby, Shuman, Steele, Stockwell, Taber, Walker of Rush, and Yount—47.

Mr. Graham voted for John W. Davis.

Whole number of votes cast.....	149
Necessary to a choice..	75
Of which number John Pettit received.....	101
Samuel W. Parker	“ 47
John W. Davis	“ 1

John Pettit having received a majority of all the votes given for Senator, as aforesaid, was, by the President of the Senate, acting as president of the convention, declared duly elected a Senator for the State of Indiana, to the Congress of the United States, to serve as such until the fourth day of March, A. D. 1855.

The president of the convention then declared the same adjourned without day.

The Senate returned to their chamber, and resumed the consideration of the motion of Mr. Wilson of Harrison, to reconsider the vote taken on concurring in the amendment of the House to Senate bill No. 1.

The question being taken on reconsidering,  
It was decided in the affirmative.

The question then recurred on concurring, with Mr. Gibson's amendment.

Mr. Spann moved to lay the bill and amendments on the table.  
Which was decided in the affirmative.

The President laid before the Senate the following communication from the president of the Board of Trustees of the Deaf and Dumb Asylum, accompanied by his annual report.

Which report was laid upon the table; and,

On motion by Mr. Edwards,  
Five hundred copies ordered to be printed.

*Hon. President of the Senate:*

I have the honor of presenting to the General Assembly the ninth annual report of the Indiana Asylum for educating the Deaf and Dumb.

I am your obedient servant,

Indianapolis, Jan. 8, 1853.

L. DUNLAP,  
*President of the Board.*

On motion by Mr. Humphreys,

The rules of the last session were adopted for the government of the present session; and,

On motion by Mr. Morrison,

One hundred copies were ordered to be printed for the use of the Senate.

Mr. Gibson moved that 2,500 copies of the Governor's Inaugural Address, accompanied with the valedictory of the Hon. James H. Lane, late Lieutenant Governor, and the Inaugural of Hon. A. P. Willard, be printed for the use of the Senate.

Mr. Butler moved to amend by striking out "2500 copies," and insert "500 copies."

Which was decided in the negative.

The question recurring on the motion by Mr. Gibson,

It was agreed to.

Mr. Black submitted the following resolution:

*Resolved*, That the Doorkeeper of the Senate be allowed two additional assistants.

The question being, on the adoption of the resolution.

The ayes and noes were demanded by Messrs. Butler and Wilson of Harrison.

*Those who voted in the affirmative were,*

Messrs. Anthony, Barnett, Barton, Black, Brookshire, Brown, Combs, Cox, Cutshaw, Edsall, Gibson, Greathouse, Gordon, Hall, Horton, Hosbrook, Humphreys, Jackson of Madison, Jackson of Tipton, Kightley, Morrison, Reynolds, Richardson, Roberts, Shields and Slater—26.

*Those who voted in the negative were,*

Messrs. Adams, Butler, Edwards, Gant, Glazebrook, Griggs, Harris, Hawthorn, Helm, Hendry, Meeker, Odell, Powell, Shook, Simpson, Sullivan, Vandeventer, Williams, Wilson of Harrison, Wilson of Jay and Witherow—21.

So the resolution was adopted.

On motion by Mr. Anthony,

The Senate adjourned until 2 o'clock, P. M.

2 o'clock, P. M.

The Senate assembled.

On motion by Mr. Anthony,

Senate bill No. 1 was taken from the table.

The question being on concurring in the engrossed amendment of the House with an amendment.

Mr. Wilson of Harrison moved to lay the bill and amendment on the table.

Which was decided in the negative.

The question recurring on concurring in the engrossed amendment of the House.

It was agreed to.

Mr Gibson moved that the Senate adjourn.

Which was decided in the negative.

Mr. Sullivan submitted the following resolution.

*Resolved*, That the Senate will, the House concurring, proceed to the election of Agent of State on next Thursday at 10 o'clock, A. M.

Which,

On motion by Mr. Butler,

Was laid on the table.

On motion by Mr. Slater,

The Senate adjourned.

WEDNESAY MORNING, 8 o'clock, }  
January 12th, 1853. }

The Senate assembled.

The Journal of the preceding day was read.

The President laid before the Senate the following order of business.

### ORDER OF BUSINESS.

- I. Reading of the Journal.
- II. Petitions, Memorials and Remonstrances.
- III. Reports from Standing Committees.
  - 1st. On Elections.
  - 2d. On Finance.
  - 3d. On the Judiciary.
  - 4th. On Organization of Courts.
  - 5th. On Federal Relations.
  - 6th. On Education.
  - 7th. On Corporations.

- 8th. On Military Affairs.
- 9th. On Roads.
- 10th. On Canals and Internal Improvements.
- 11th. On the Affairs of the Town of Indianapolis.
- 12th. On Claims.
- 13th. On the State Prison.
- 14th. On Public Expenditures.
- 15th. On Banks.
- 16th. On Manufactures.
- 17th. On Agriculture.
- 18th. On Unfinished Business.
- 19th. On Benevolent Institutions of the State.
- 20th. On Swamp Lands.
- 21st. On Temperance.
- 22d. On County and Township Business.
- 23d. On Phraseology and Arrangement of Bills.
- 24th. On Printing.
- 25th. On Enrolled Bills.

#### IV. Joint Committees.

- 1st. On Public Buildings.
- 2d. On State Library.
- 3d. On Canal Fund.

- V. Reports from Select Committees.
- VI. Resolutions of the Senate.
- VII. Joint Resolutions.
- VIII. Bills.
- IX. Orders of the Day.

The President announced the following Standing Committees of the Senate.

#### *1st—On Elections.*

Messrs. Shook, Hendry, Cox, Cutshaw and Combs.

#### *2nd—On Finance.*

Messrs. Sullivan, Gordon, Helm, Greathouse, Butler, Shields, Wilson of Jay, Powell, and Barnett.

#### *3rd—On Judiciary.*

Messrs. Gibson, Harris, Anthony, Cox, Hendry, Witherow, Griggs, Gant and Jackson of Madison.

*4th—On Organization of Courts.*

Messrs. Anthony, Odell, Griggs, Gibson, Vandeventer, Cox, Edwards, Gant and Sullivan.

*5th—On Federal Relations.*

Messrs. Greathouse, Edsall, Harris, Hendry, Humphreys, Hall, Morrison, Powell and Spann.

*6th—On Education.*

Messrs. Black, Kightley, Witherow, Powell, Morrison, Adams, Hawthorn, Shields, Brookshire and Meeker.

*7th—On Corporations.*

Messrs. Richardson, Vandeventer, Anthony, Edwards, Morrison, Cox, Slater, Simpson and Hall.

*8th—On Military Affairs.*

Messrs. Spann, Simpson, Black, Helm and Hawthorn.

*9th—On Roads.*

Messrs. Kightley, Shallenberger, Williams, Barnett, Horton, Simpson and Robinson.

*10th—On Canals and Internal Improvements.*

Messrs. Edsall, Harris, Gordon, Horton, Barnett, Odell, Shallenberger, Reynolds, Combs, Humphreys, Hawthorn, Greathouse, Wilson of Harrison, Cutshaw, Adams, Spann, Gant, Butler, Meeker, Slater, Kightley, and Jackson of Madison.

*11th—On the Affairs of the Town of Indianapolis.*

Messrs. Hosbrook, Vandeventer, Glazebrook, Barton, Edsall, Robinson, Griggs, Richardson and Odell.

*12th—On Claims.*

Messrs. Adams, Griggs, Wilson of Harrison, Hosbrook, Black, Brookshire, Brown and Williams.

*13th—On State Prison.*

Messrs. Roberts, Wilson of Harrison, Slater, Shields, Edwards, Reynolds and Simpson.

14th—*On Public Expenditures.*

Messrs. Powell, Cutshaw, Odell, Shook, and Griggs.

15th—*On Banks.*

Messrs. Humphreys, Gordon, Brown, Meeker, Adams, Witherow, Greathouse, Jackson of Madison and Slater.

16th—*On Manufactures.*

Messrs. Morrison, Reynolds, Slater, Helm and Simpson.

17th—*On Agriculture.*

Messrs. Brown, Gant, Wilson of Jay, Brookshire, Shallenberger, Meeker, Roberts, Glazebrook, and Combs.

18th—*On Unfinished Business.*

Messrs. Hawthorn, Gibson, Witherow, Adams and Spann.

19th—*On Benevolent Institutions of the State.*

Messrs. Barton, Butler, Shallenberger, Shields, Powell, Wilson of Harrison, Horton, Williams and Hall.

20th—*On Swamp Lands.*

Messrs. Jackson of Tipton, Roberts, Odell, Richardson, Shields, Humphreys, Hawthorn, Barnett and Edsall.

21st—*On Temperance.*

Messrs. Reynolds, Butler, Wilson of Jay, Brown, Slater, Williams, Humphreys, Hosbrook and Roberts.

22nd—*On County and Township Business.*

Messrs. Horton, Harris, Black, Robinson and Greathouse.

23d—*Phraseology and Arrangement of Bills.*

Messrs. Gordon, Simpson, Hawthorn, Gant, Shook, Hendry, Odell, Kightley and Cooms.

*24th—On Printing.*

Messrs. Shields, Spann, Robinson, Butler and Kightley.

*25th—On Enrolled Bills.*

Messrs. Cox, Helm, Spann, Butler and Barnett.

## JOINT COMMITTEES.

*1st.—On Public Buildings.*

Messrs. Jackson of Madison, Helm and Powell.

*2nd.—On State Library.*

Messrs. Gant, Robinson and Sullivan.

*3d.—On Canal Fund.*

Messrs. Shallenberger, Edwards, and Powell.

On motion by Mr. Gibson,

150 copies of the order of business, and 150 copies of the standing committees, were ordered to be printed for the use of the Senate.

On motion by Mr. Edwards,

*Resolved*, That the committee on the Judiciary be instructed to inquire into the expediency of repealing or modifying the act entitled "an act regulating descents, and the apportionment of estates," approved May 14th, A. D. 1852, and to report by bill or otherwise.

Mr. Barnett submitted the following resolution :

*Resolved*, That the committee on the Judiciary be, and they are hereby instructed to report a bill to abolish the office of Agent of State, and transfer the duties to the Auditor or Treasurer of State.

On motion by Mr. Humphreys,

The resolution was made one of inquiry.

Mr. Barnett moved to lay the resolution on the table ;

Which was decided in the negative.

The resolution as amended was then adopted.

On motion by Mr. Roberts,

*Resolved*, That the doorkeeper be authorized to contract for a sufficient quantity of dry wood to keep up the fires in the Senate chamber during the present session.

On motion by Mr. Greathouse,

*Resolved*, That the committee on Education be and they are hereby instructed to inquire into the expediency of amending the school law passed at the last session of the Legislature.

On motion by Mr. Hendry,

*Resolved*, That the judiciary committee be instructed to inquire into the expediency of so amending the 76th section of the act providing for the settlement of decedent's estates, that notice of the time and place of hearing petitions for the sale of real estate shall be given to those who are interested in the sale thereof, and are residents of the State, by personal service instead of publication thereof in a newspaper.

Mr. Gordon submitted the following resolution :

*Resolved*, That the principal and assistant secretaries be required to employ such number of assistants as may be actually necessary to carry on the business of legislation.

The question being on the adoption of the resolution,

The ayes and noes were demanded by Messrs. Butler and Witherow.

*Those who voted in the affirmative were,*

Messrs. Adams, Black, Brookshire, Cox, Cutshaw, Edsall, Gordon, Horton, Hosbrook, Humphreys, Jackson of Madison, Jackson of Tipton, Morrison, Powell, Richardson, Spann, and Sullivan.—17.

*Those who voted in the negative were,*

Messrs. Anthony, Barnett, Brown, Butler, Combs, Edwards, Gant, Glazebrook, Griggs, Hall, Harris, Hawthorn, Helm, Hendry, Kightley, Meeker, Odell, Reynolds, Roberts, Shallenberger, Shook, Simpson, Vandeventer, Williams, Wilson of Jay, and Witherow—26.

So the resolution was not adopted.

On motion by Mr. Morrison,

*Resolved*, That the committee on Banks inquire into the expediency of reporting a bill at an early day to restrict or prevent the circulation of bank bills of a less denomination than five dollars, emitted by authority not derived from the State of Indiana.

On motion by Mr. Helm,

*Resolved*, That the committee on Education be requested to report in favor of amending the common school law so that all assessments and collections on the polls and taxable property of the citizens of

this State, for common school purposes, shall be distributed in the counties in which the same shall have been assessed and collected.

Mr. Hosbrook submitted the following resolution :

*Resolved*, That the principal secretary be authorized to employ one additional assistant; the assistant secretary two additional assistants.

On motion by Mr. Humphreys,  
The resolution was laid on the table.

By unanimous consent,

Mr. Shields introduced bill No. 3, a bill for the relief of Thomas Hunsucker;

Which was read a first time and passed to a second reading.

On motion by Mr. Brown,

*Resolved*, That a committee of three be appointed to inquire into the necessary amount of assistance each clerk should have, and report the same to this House; and,

Messrs. Brown, Sullivan and Helm were appointed said committee.

Mr. Adams moved to reconsider the vote taken adopting the resolution submitted by Mr. Brown,

Which was decided in the negative.

The President laid before the Senate the following communication from the President of the Board of Trustees of the Insane Asylum, accompanied by his annual report ;

Which report was,

On motion by Mr. Brown,

Laid upon the table and 500 copies ordered to be printed.

INDIANAPOLIS, JANUARY 12th, 1853.

HON. A. P. WILLARD,

*President of the Senate :*

SIR—You will please lay before the Senate the accompanying report of the Commissioners and Superintendent of the Indiana Hospital for the Insane.

Very respectfully, yours, etc.,

JAMES BLAKE, *President*.

The following message was received from the House of Representatives, by Mr. Bowes, their Clerk.

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate, that the House has passed the following resolution:

*Resolved*, That the House will, the Senate concurring therein,

proceed to the election of two Bank Directors on the part of the State to-morrow at 10 o'clock, A. M.

In which the concurrence of the Senate is respectfully requested.  
Which,

On motion,

Was concurred in by the Senate.

The following message was received from the House of Representatives, by Mr. Bowes, their Clerk.

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate, that the House has passed the following resolution:

*Resolved*, That the Senate be invited to attend in the Hall of the House, instantler, to proceed to the election of a Trustee of the Wabash and Erie canal, and seats be provided on the right of the Speaker's chair.

In which the concurrence of the Senate is respectfully requested.

Which resolution was reciprocated by the Senate, when the Senate repairing in a body to the hall of the House of Representatives, preceded by their President, who took the chair as President of the convention.

The President laid before the convention the following communication.

*To the president of the Convention:*

Having understood that it is the intention of some of my friends to vote for me for Canal Trustee, I desire to say that I am not a candidate for that office, and desire no votes—I am entirely satisfied with the result of the Democratic caucus held last night.

Respectfully; &c., &c.,

WM. GRIFFIN.

January 12, 1853.

The convention then proceeded by a joint *viva voce* vote to the election of Canal Trustee.

Those who voted for Benjamin R. Edmonson on the part of the Senate were,

Messrs. Adams, Anthony, Barnett, Barton, Black, Brookshire, Brown, Combs, Cox, Cutshaw, Edsall, Edwards Gant, Gibson, Glazebrook, Greathouse, Gordon, Hall, Hawthorn, Horton, Hosbrook, Humphreys, Jackson of Madison, Jackson of Tipton, Kightly, Meeker, Morrison, Powell, Reynolds, Richardson, Roberts, Shallenberger, Shields, Shook, Slater, Spann, Sullivan, Vandeventer, Williams, Wilson of Harrison, and Wilson of Jay.

*Those on the part of the House were,*

Messrs. Able, Brecount, Bridges, Brothwell, Brown, Buell, Bundy, Burnett, Catlin, Chapin, Clark, Cooper, Dodd, Donald, Donelson, Druley, Dufour, Dunlavey, Durham, Emery, Farnsley, Ferguson, Fleming, Freeland, Gentry, Gootee, Graham, Hammond, Hamrick, Handy, Hartley, Henry, Henton, Hicks, Howell, Jones of Boone, Jones of Jennings, Jones of Ripley, Laird, Lasselle, Lemmon, Lewis, Lines, Lowe, Manville, Martin, Maxfield, McCormick, McClure, McDonald of Lake, McDonnall of Sullivan, McKee, McKinney, Milroy, Moss, Orr, Parker, Peckenpaugh, Price, Read, Richardson, Rockafellar, Seawright, Service, Shelby, Shoemaker, Simpson, Spencer, Stackhouse, Steele, Stephens, Stockwell, Struble, Sutton, Tanner, Thomas, Turpie, Underwood, Walker of Laporte, Wilson, Work, Yount and Mr. Speaker—123.

*Those who voted for John Williams were,*

Messrs. Ballard, Ferris, Harris, and Shuman—4.

*Those who voted for Mr. Carter were,*

Messrs. Johnson, Pratt, Scott, and Walker of Rush—4.

*Those who voted blank were,*

Messrs. Butler, Griggs, Harris, Helm, Hendry, Odell, Simpson, Witherow, Dyer, Goodman, Greene, Hendricks, Hooper, Hunt, Jennings, Ryan and Taber—17.

Whole number of votes cast.....	148
Necessary to a choice.....	75
Of which number B. R. Edmondson received.....	123 votes.
John Williams.....	4 votes.
Mr. Carter.....	4 votes.
Blank.....	17 votes.

Benjamin R. Edmondson having received a majority of all the votes given, was, by the President of the Senate, acting as president of the convention, declared duly elected Trustee of the Wabash and Erie canal, on the part of the State, to serve as such for the term of three years from and after the expiration of the term of service of the present incumbent.

The president of the convention declared the same adjourned without day, and the Senate returned to their chamber.

Mr. Gibson submitted the following resolution :

*Resolved*, That the Judiciary committee be instructed to report a bill authorizing ten per cent. interest to be charged where the same is contracted for.

The question being on the adoption of the resolution,  
The ayes and noes were demanded by Senators Gibson and Wilson of Harrison.

*Those who voted in the affirmative were,*

Messrs. Anthony, Barnett, Black, Brown, Butler, Cox, Cutshaw, Edsall, Edwards, Gant, Gibson, Glazebrook, Greathouse, Gordon, Hall, Harris, Hawthorn, Hendry, Horton, Jackson of Madison, Jackson of Tipton, Kightley, Morrison, Powell, Richardson, Roberts, Spann, Williams, Wilson of Jay, and Witherow—31.

*Those who voted in the negative were,*

Messrs. Adams, Barton, Combs, Griggs, Helm, Hosbrook, Humphreys, Meeker, Odell, Shallenberger, Shields, Simpson, Slater, Sullivan, Wilson of Harrison, and Vandeventer—16.

So the resolution was adopted.

On motion by Mr. Greathouse,

*Resolved*, That the committee on the Judiciary be and are hereby instructed to inquire into the expediency of amending or repealing the distress law, so far as relates to making rent, upon the same footing as other debts.

On motion by Mr. Barnett,

*Resolved*, That the committee on the Judiciary be and they are hereby instructed to inquire into the expediency of reporting a bill to abolish the office of State Printer, and to provide for letting out the public printing to the lowest bidder.

On motion by Mr. Edwards,

*Resolved*, That the committee on the Judiciary be instructed to inquire into the expediency of amending section sixty-six of an act providing for the settlement of decedents' estates, so as to provide a more liberal and equitable mode of allowing claims against decedents' estates, and to report by bill or otherwise.

On motion by Mr. Edwards,

The Senate adjourned until 2 o'clock, P. M.

2 o'clock, P. M.

The Senate assembled.

The President laid before the Senate the following communications from the President and Commissioners of the Sinking Fund, accompanied with their annual report :

OFFICE OF THE SINKING FUND, }  
Indianapolis, Jan. 11, 1853. }

HON. A. P. WILLARD,  
*President of the Senate :*

SIR:—Please lay before the Senate the accompanying report of the Commissioners of the Sinking Fund. Respectfully,  
J. MORRISON, *Pres't.*

OFFICE OF THE SINKING FUND, }  
Indianapolis, Jan. 11, 1853. }

TO THE HONORABLE,  
*The General Assembly of the State of Indiana :*

The Commissioners of the Sinking Fund herewith present their annual report to the General Assembly.

Statement A exhibits the receipts and disbursements of the fund within the past year up to the 3d day of the present month.

Statement B shows the whole condition of the fund on that day.

Since the last report, the State has acquired, by purchase of individuals, additional stock in the Branch at Vincennes, to the amount of \$7,150 00.

The bonds of the State issued for banking purposes, have rated so high during the year, that we have not made any purchases.

J. MORRISON, *Pres't.*

P. M. PARKS,

WILLIAM DAILY,

JOHN F. CARR,

BEATTIE McCLELLAND.

The President also laid before the Senate the following communication from James M. Ray, Cashier of the State Bank, with the accompanying communications from the cashiers of the branches of the State Bank at Lawrenceburgh, Richmond, Vincennes and Lafayette, together with their several annual reports.

OFFICE OF THE STATE BANK OF IA., }  
INDIANAPOLIS, JAN. 11, 1853. }

HON. A. P. WILLARD, *President*:

SIR,—Please lay before the Senate the accompanying reports of the branches of this bank at Lawrenceburgh, Richmond, Vincennes and Lafayette.

Very respectfully,

JAMES M. RAY, *Cashier*.

BRANCH STATE BANK OF INDIANA, }  
LAWRENCEBURGH, DEC. 1, 1852. }

A. P. WILLARD, ESQ.,

*President of the Senate*:

SIR,—In compliance with the 65th section of the charter of the State Bank of Indiana, I have the honor to submit the following report, accompanied with a statement of the condition of the affairs of this branch as found on the 3d Saturday in November last, at 2 o'clock, P. M.

The following are the officers of this branch with the amount of their compensation affixed, viz:

Elzey G. Burkam, President, salary per annum.....	\$1,500
Henry K. Hobbs, Cashier, salary per annum.....	1,500
Columbus S. Stevenson, Assistant Cashier, salary per ann.	1,500
Philip L. Spooner, Attorney, salary per annum .....	250
Rents paid, none.	

The real estate may be regarded as worth the amount charged in the accompanying statement before referred to, except the Banking House which has, since the date of that statement, been reduced to its proper value, and the real estate, except Banking House, has been offered at public sale as provided for in our charter.

Respectfully submitted,

H. K. HOBBS, *Cashier*.

BRANCH BANK, RICHMOND, }  
11th MONTH, 22d, 1852. }

*To the Senate of the State of Indiana*:

According to the requisitions of the charter of our State Bank, I forward to you herewith, on behalf of the Board of Directors of the Branch at Richmond of the State Bank of Indiana, a statement of the condition of this branch on seventh day, at 2 o'clock in the afternoon, eleventh Month 20th, 1852, together with the names of the officers and the salary of each. No rent is paid.

Respectfully submitted,

ELIJAH COFFIN, *Cashier*.

BRANCH BANK, VINCENNES, }  
DECEMBER 1, 1852. }

*To the Honorable, President of the Senate:*

The annexed report is submitted in conformiry with the 65th section of the bank charter.

The real estate belonging to this Bank, except that used for banking purposes, is regularly offered at public sale once a year.

*Officers.*

Wm. Burtch, <i>President</i> , salary, .....	——— per annum.
John Ross, <i>Cashier</i> , " .....	\$1,200 " "
J. F. Bayard, <i>Clerk</i> , " .....	500 " "
John Moore, <i>Agent</i> , " .....	300 " "

WM. BURTCH, *Pres't.*

JOHN ROSS, *Cash'r.*

The President also laid before the Senate the following communications from the President of the State Bank of Indiana, together with his annual report:

OFFICE OF THE STATE BANK OF INDIANA, }  
Indianapolis, January 11, 1853. }

HON. A. P. WILLARD,  
*President of the Senate:*

SIR:—Please lay before the Senate the accompanying report of the State Bank of Indiana.

Respectfully,  
J. MORRISON, *President.*

OFFICE OF THE STATE BANK OF INDIANA, }  
Indianapolis, January 11, 1853. }

TO THE HONORABLE,  
*The General Assembly of the State of Indiana:*

In conformity with the requirements of the act establishing a State Bank, I herewith submit to the General Assembly a report exhibiting the condition of the Bank and of each branch thereof, on the 20th of November last.

The business of the Bank has progressed, during the past year, with its accustomed uniformity and success.

The engagements of borrowers have been usually discharged with punctuality, and the reduction of the remaining suspended debt has been satisfactorily continued.

A comparison of its leading points of business, presents the following contrasts with my report of last year:

The suspended debt has been reduced. . . . . \$56,298 00

The following items are increased, thus:

Eastern means. . . . . \$610,370 00

Surplus fund. . . . . 102,012 00

Specie. . . . . 63,526 00

Circulation. . . . . 88,331 00

The dividends of profits declared to the branches, have been as follows:

To the branches at Indianapolis, Lawrenceburgh, Richmond, Madison, New Albany, Evansville, Terre Haute, Lafayette, Fort Wayne and Michigan City, each ten per cent., besides extra dividends out of their surplus funds. To the branch at Vincennes, nine per cent. To the branches at Bedford and South Bend, each six per cent.

The stock of individuals in the branch at Terre Haute, has been increased in the sum of \$67,100,—an increase which was not concurred in without hesitancy, on account of the approaching termination of the charter of the Bank.

Respectfully,  
J. MORRISON, *Pres't.*

On motion by Mr. Shallenberger,

The reports were laid on the table, and 300 copies each ordered to be printed.

On motion by Mr. Edwards,

*Resolved*, That the State Librarian be requested to furnish the public printer a copy of the geological reports on the State of Indiana by Dr. David Dale Owen, with instructions that five hundred copies be published for the use of the Senate.

On motion by Mr. Shallenberger,

The vote taken on ordering the several reports of the State Bank and branches, and Sinking Fund Commissioners to be printed.

Was reconsidered.

The following message was received from the House of Representatives by Mr. Bowes their clerk.

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House has passed the following resolution:

*Resolved*, That the Senate be invited to attend in the Hall of the House, *instanter*, for the purpose of electing a State Librarian, and that seats be provided on the right of the Speaker's chair.

Which resolution was reciprocated by the Senate, when the Senate repaired in a body to the Hall of the House of Representatives, the President of the Senate acting as President of the convention, and proceeded to the election of Librarian, by a *viva voce* vote.

Those who voted for Gordon Tanner on the part of the Senate were,

Messrs. Adams, Anthony, Barnett, Black, Brookshire, Brown, Butler, Bombs, Cox, Cutshaw, Edsall, Edwards, Gant, Gibson, Glazebrook, Greathouse, Gordon, Hall, Harris, Hawthorn, Helm, Horton, Hosbrook, Humphreys, Jackson of Madison, Jackson of Tipton, Kightley, Meeker, Morrison, Powell, Reynolds, Richardson, Roberts, Shallenberger, Shields, Shook, Slater, Spann, Sullivan, Williams, Wilson of Harrison, and Wilson of Jay.

Those on the part of the House were,

Messrs. Able, Ballard, Brecount, Bridges, Brothwell, Brown, Buell, Bundy, Catlin, Chapin, Clark, Cooper, Dodd, Donald, Donelson, Druley, Dufour, Dunlavey, Durham, Dyer, Emery, Farnsley, Ferguson, Fleming, Gentry, Gootee, Graham, Hammond, Handy, Harris, Hartley, Henry, Henton, Hicks, Howell, Jennings, Jones of Boone, Jones of Jennings, Jones of Ripley, Lasselle, Lemmon, Lewis, Lines, Lowe, Manville, Maxfield, McCormick, McClure, McDonald of Lake, McDonnall of Sullivan, McKee, McKinney, Milroy, Moss, Orr, Parker, Peckenpaugh, Price, Read, Richardson, Rockafellar, Ryan, Seawright, Shoemaker, Simpson, Spencer, Stackhouse, Steele, Stephens, Stockwell, Struble, Sutton, Taber, Tanner, Thomas, Turpie, Underwood, Walker of Rush, Wilson, Work, Yount and Mr. Speaker—123.

Those who voted for Calvin W. Ruter on the part of the Senate were,

Messrs. Griggs, Hendry, Odell, Vandeventer and Witherow.

Those on the part of House were,

Messrs. Ferris, Freeland, Goodman, Greene, Hamrick, Hendricks, Hooper, Hunt, Jennings and Shuman—15.

Those who voted for John B. Dillon were,

Messrs. Johnson, Laird, Martin, Pratt, Scott, Shuman and Shelby—7.

Whole number of votes cast.....	145
Necessary to a choice.....	73
Of which number Gordon Tanner received.....	123 votes.
Calvin W. Ruter received.....	15 votes.
John B. Dillon received.....	7 votes.

Gordon Tanner having received a majority of all the votes given, was by the president of the convention declared duly elected State

Librarian for the term of three years from the fourth day of January, 1854, the expiration of the term of service of the present incumbent.

The President then declared the convention adjourned without day.

The Senate returned to their chamber.

Mr. Wilson of Harrison submitted the following resolution:

*Resolved*, That the committee on the Judiciary be instructed to report a bill to abolish the office of State Printer, and to provide for letting out the State printing to the lowest bidder.

Pending which,

Mr. Gibson moved that the Senate adjourn.

Which was decided in the negative.

The question being on the adoption of the resolution,

The ayes and noes were demanded by Senators Gibson and Wilson of Harrison.

*Those who voted in the affirmative were,*

Messrs. Barnett, Butler, Combs, Edwards, Griggs, Harris, Helm, Hendry, Meeker, Simpson, Odell, Richardson, Vandeventer, Williams, Wilson of Harrison, Wilson of Jay, and Witherow—17.

*Those who voted in the negative were,*

Messrs. Adams, Anthony, Black, Brookshire, Brown, Cox, Cuthaw, Edsall, Gant, Gibson, Glazebrook, Greathouse, Gordon, Hall, Hawthorn, Horton, Hosbrook, Humphreys, Jackson of Madison, Jackson of Tipton, Kightley, Morrison, Powell, Roberts, Shallenberger, Shields, Shook, Slater, Spann, and Sullivan—30.

So the resolution was not adopted.

On motion by Mr. Gibson,

The Senate adjourned.

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THURSDAY MORNING, 9 o'clock A. M., }  
January 13, 1853. }

The Senate assembled.

The journal of the preceding day was read.

## PETITIONS PRESENTED.

By Mr. Gant:

The petition of Cinica Hancock and seven other citizens of Franklin county, praying for certain privileges therein named.

Which was,

On motion,

Referred to the Judiciary committee.

By Mr. Butler:

Sundry petitions on the subject of temperance;

Which were,

On motion,

Referred to the committee on Temperance.

By Mr. Harris:

A petition of sundry citizens of this State upon the subject of temperance; which,

On motion by Mr. Harris,

Was referred to the committee upon that subject.

By Mr. Horton:

The petition of sundry citizens of this State on the subject of common schools; which,

On motion by Mr. Humphreys,

Was referred to the committee on Education.

By Mr. Roberts:

The petition of sundry citizens of this State relative to the common school law; which,

On motion by Mr. Greathouse,

Was referred to the committee on Education.

By Mr. Shallenberger:

The petition of John W. Bradshaw and sundry other citizens of this State, on the subject of temperance;

Which was,

On motion by Mr. Shallenberger,

Referred to the committee upon that subject.

The President laid before the Senate the following communication from his Excellency, the Governor:

EXECUTIVE DEPARTMENT, }  
January 13, 1853. }

HON. A. P. WILLARD,

*President of the Senate:*

SIR:—You will please lay the inclosed communication of John P.

Noble, of London, on the subject of State bonds held by him, before the body over which you preside.

Respectfully yours,

JOSEPH A. WRIGHT.

*To the General Assembly of the State of Indiana, U. S.:*

Your petitioner is the holder of six \$1000 State stock of Indiana Wabash and Erie canal bonds, with unpaid coupons commencing 1st July, 1841. The last interest he received was due 1st Jan. 1841.

Your petitioner has forwarded two petitions to the agent at New York, to be presented to your honorable House, claiming a consideration of his case, and urging, in courteous and respectful language, his plea that as his bonds were issued on the joint security of the State of Indiana and of the Wabash and Erie canal, as clearly expressed on the bonds, he is altogether at a loss to conceive how he can be expected, much less obliged, to surrender his bonds so secured for others, viz: \$3,000 on the State of Indiana, and \$3,000 on the Wabash and Erie canal.

Your petitioner, relying on the good faith and honor of the General Assembly of the State of Indiana, confidently looks forward to receiving that relief and redress that his case may be found entitled to.

And lastly, your petitioner hopes and trusts that after waiting patiently so many years, he may be spared the mortification that would arise from misplaced confidence upon the faith of the State of Indiana irrevocably pledged.

London, 25 Regent Square.

JNO. P. NOBLE.

The above communication of Mr. Noble was,

On motion by Mr. Slater,

Referred to the committee on Canals and Internal Improvements.

Mr. Gibson, chairman of the Judiciary committee, made the following report:

MR. PRESIDENT:

The committee on the Judiciary, in obedience to a resolution of the Senate, have instructed me to report the following bill.

No. 4. A bill to amend the first section of an act entitled "an act concerning interest on money," approved May 27, 1852, and by such amendment to authorize the taking of interest at a rate not exceeding ten per cent. per annum, when the same is agreed for in writing.

Which was read a first time and passed to a second reading.

## RESOLUTIONS OF THE SENATE.

On motion by Mr. Harris,

*Resolved*, That the committee upon Education be instructed to inquire into the expediency of so amending chapter ninety-eight of the Revised Statutes upon the subject of common schools as to create school districts within each township; to provide for the election of district trustees, defining their powers and duties; that all taxes and assessments for building school houses, shall be upon the inhabitants and property of the respective school districts, and that the interest upon the congressional township fund be exclusively applied to the support of schools within the respective congressional townships.

On motion by Mr. Hawthorn,

*Resolved*, That the committee on Banks, inquire into the expediency of prohibiting by law the circulation of any bank bills of our own, or foreign banks, in this State of a less denomination than five dollars, from and after the first day of September, 1853.

Mr. Harris submitted the following resolution:

*Resolved*, That the committee on Temperance be instructed to inquire into the expediency of prohibiting by law the manufacture or sale of intoxicating liquors within the State of Indiana, and to report by bill or otherwise.

Which was not adopted.

## ORDERS OF THE DAY.

The following message from the House of Representatives, was taken up.

MR. PRESIDENT:

I am directed by the House to inform the Senate that the House refuses to concur in the engrossed amendment of the Senate to the first engrossed amendment of the House to Senate bill No. 1, entitled a bill to transfer the business pending in the probate courts, to the courts of common pleas.

The question being,

Will the Senate insist on their engrossed amendment to the engrossed amendment of the House to Senate bill No. 1.

On motion by Mr. Humphreys,

The Senate insisted.

On motion by Mr. Spann,

Leave of absence was granted to Mr. Sullivan, until Monday next.

The following message was received from the House of Representatives, by Mr. Bowes, their Clerk:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate, that the House have adopted the following resolution:

*Resolved*, That the House proceed instanter, with closed doors to the election of President and two Directors of State Bank, and the Senate be requested to concur in this resolution.

Which was concurred in by the Senate; and

Ordered that the Secretary inform the House thereof.

The Senate then proceeded with closed doors, by the order of the President, to the election of President of the State Bank of Indiana, by a *viva voce* vote.

*Those who voted for Ebenezer Dumont were,*

Messrs. Adams, Anthony, Barton, Black, Brookshire, Brown, Combs, Cox, Cutshaw, Edsall, Gant, Gibson, Glazebrook, Great-house, Gordon, Hall, Hawthorn, Helm, Horton, Hosbrook, Humphreys, Jackson of Madison, Jackson of Tipton, Kightley, Morrison, Powell, Reynolds, Richardson, Roberts, Shallenberger, Shields, Shook, Slater, Sullivan and Wilson of Jay—35.

*Those who voted for James Morrison were,*

Messrs. Butler, Edwards, Griggs, Harris, Hendry, Meeker, Odell, Simpson, Vandeventer, Williams, Wilson of Harrison and Withelrow—12.

Ebenezer Dumont having received a majority of all the votes given was declared by the President duly elected, on the part of the Senate, President of the State Bank of Indiana, to serve as such for the term of five years, from and after the expiration of the term of service of the present incumbent.

Ordered that the Secretary of the Senate inform the House thereof.

The following message was received from the House of Representatives, by Mr. Bowes their Clerk:

MR. PRESIDENT:

I am directed by the House of Representatives to deliver to the Senate the accompanying sealed message in relation to the election of a President of the State Bank of Indiana.

Which was taken up, and,

On motion,

The Senate proceeded to open and consider the following message

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that at an election for President of the State Bank of Indiana, held with closed doors, in pursuance of a resolution of both Houses, Ebenezer Dumont on the first *viva voce* vote, received a majority of all the votes given, and was declared duly elected on the part of the House, President of the State Bank of Indiana, to serve as such for the term of five years, and after the expiration of the term of service of the present incumbent.

W. R. BOWES,  
*Principal Clerk House.*

The two Houses having agreed in their choice of a President of the State Bank of Indiana, Ebenezer Dumont was declared by the President duly elected President of the same, to serve as such for the term of five years from and after the expiration of the term of service of the present incumbent.

The Senate then proceeded with closed doors, to the election of a Director of the State Bank of Indiana on the part of the State, in place of Parmenter M. Parks, whose term of service is about to expire.

*Those who voted for P. M. Parks, were*

Messrs. Adams, Anthony, Barnett, Barton, Black, Brookshire, Brown, Cox, Combs, Cutshaw, Edsall, Edwards, Gant, Gibson, Glazebrook, Greathouse, Griggs, Gordon, Hall, Harris, Hawthorn, Helm, Hendry, Horton, Hosbrook, Humphreys, Jackson of Madison, Jackson of Tipton, Kightley, Meeker, Morrison, Odell, Powell, Reynolds, Richardson, Roberts Shallenberger, Shields, Shook, Slater, Spann, Williams and Wilson of Jay—43.

*Those who voted for Robert Morrison were,*

Messrs. Butler, Vandeventer and Witherow—3.

Mr. Simpson voted blank.

Parmenter M. Parks, having received a majority of all the votes given, was declared by the President duly elected on the part of the Senate, a director of the State Bank of Indiana, on the part of the State, for the term of four years from and after the expiration of the term of service of the present incumbent.

Ordered that the Secretary of the Senate inform the House thereof by sealed message.

The following message was received from the House of Representatives by Mr. Bowes their clerk.

MR. PRESIDENT:

I am directed by the House to transmit to the Senate the accompanying sealed message, in relation to the election of one bank director.

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that at an election for director of the State Bank of Indiana, held with closed doors, in pursuance of a resolution of the two Houses, John F. Carr on the first viva voce vote received a majority of all the votes given, and was declared duly elected on the part of the House director of the State Bank of Indiana, on the part of the State to serve as such for the term of four years from and after the expiration of the term of the present incumbent, John F. Carr.

Attest:

WM. R. BOWES, Clerk H. R.

Whereupon it appeared that the two Houses had disagreed in their choice, and the Senate proceeded to vote a second time for a director of the State bank in place of Parmenter M. Parks, whose term of service is about to expire.

*Those who voted for Parmenter M. Parks were,*

Messrs. Adams, Anthony, Barnett, Barton, Black, Brookshire, Brown, Combs, Cox, Cutshaw, Edsall, Edwards, Gant, Gibson, Glazebrook, Greathouse, Griggs, Gordon, Hall, Harris, Hawthorn, Helm, Hendry, Horton, Hosbrook, Humphreys, Jackson of Madison, Jackson of Tipton, Kightley, Meeker, Morrison, Odell, Powell, Reynolds, Richardson, Roberts, Shallenberger, Shields, Shook, Slater, Spann, Williams and Wilson of Jay—43.

Messrs. Butler and Witherow voted for Robert Morrison.

Parmenter M. Parks having again received a majority of all the votes given, was declared by the President duly elected on the part of the Senate, a Director of the State Bank of Indiana, on the part of the State, for the term of four years from and after the expiration of the term of service of the present incumbent.

Ordered that the Secretary of the Senate inform the House thereof, by sealed message.

The following message was received from the House of Representatives, by Mr. Bowes, their Clerk:

MR. PRESIDENT:

I am directed by the House of Representatives to deliver to the

Senate the accompanying sealed message in relation to the election of a Director of the State Bank of Indiana.

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate, that at an election for Director of the State Bank of Indiana, held with closed doors in pursuance of a resolution of the two Houses, Parmenter M. Parks, Esq., on the second *viva voce* vote, received a majority of all the votes given, and was declared duly elected on the part of the House, Director of the State Bank of Indiana, on the part of the State, to serve as such for the term of four years, from and after the expiration of the term of service of the present incumbent, Parmenter M. Parks, Esq.

WM. R. BOWES,

*Clerk of the House of Representatives.*

The two Houses having agreed in their choice of a Bank Director, in the place of Parmenter M. Parks, Esq., the President of the Senate declared Parmenter M. Parks duly elected a Director of the State Bank of Indiana, on the part of the State, to serve as such for the term of four years from and after the expiration of his present term of service.

The Senate then proceeded, by order of the President, to the election of a Director of the State Bank of Indiana, as a successor to John F. Carr.

*Those who voted for John F. Carr were,*

Messrs. Adams, Anthony, Barnett, Barton, Black, Brookshire, Brown, Combs, Cox, Cutshaw, Edsall, Edwards, Gant, Glazebrook, Greathouse, Griggs, Gordon, Hall, Harris, Hawthorn, Helm, Hendry, Horton, Hosbrook, Humphreys, Jackson of Madison, Jackson of Tipton, Kightley, Meeker, Morrison, Odell, Powell, Reynolds, Richardson, Roberts, Shallenberger, Shields, Shook, Slater, Spann, Williams and Wilson of Jay—42.

*Those who voted for James Sweetser were,*

Messrs. Butler, Vandeventer and Witherow—3.

Mr. Simpson voted blank.

John F. Carr, having received a majority of all the votes given, was declared by the President duly elected on the part of the Senate, a director of State Bank of Indiana, on the part of the State, for the term of four years from and after the expiration of his present term of service.

Ordered that the Secretary inform the House thereof.

The following message was received from the House of Representatives by Mr. Bowes their clerk:

MR. PRESIDENT:

I am directed by the House of Representatives to deliver to the Senate the accompanying sealed message in relation to the election of a director of the State Bank of Indiana.

MR. PRESIDENT:

I am directed by the House to inform the Senate that at an election for a director of the State Bank of Indiana, held with closed doors in pursuance of a resolution of the two Houses, John F. Carr, Esq., received on the first *viva voce* vote a number equal to a majority of all the votes given, and was declared duly elected on the part of the House of Representatives a director of the State Bank of Indiana, on the part of the State to serve as such for and during the term of four years, from and after the expiration of the term of the present incumbent, John F. Carr.

Attest:

WM. R. BOWES,  
*President Clerk of H. R.*

The two Houses having agreed in the choice of John F. Carr, he was by the President declared duly elected a director of the State Bank of Indiana on the part of the State, to serve as such for the term of four years, from and after the expiration of his present term of service.

The President laid before the Senate the following communication from his Excellency the Governor:

EXECUTIVE DEPARTMENT, }  
JANUARY 13, 1853. }

HON. A. P. WILLARD,

*President of the Senate:*

SIR:—You will please lay before the Senate the enclosed communications from Dr. Francis Christopher Brandt, and John A. Bachman, on the subject of the Fischli estate.

Respectfully yours,

JOSEPH A. WRIGHT.

Which communications were,

On motion by Mr. Gibson,

Referred to the Judiciary committee.

Mr. Brown made the following report from a select committee:

MR. PRESIDENT:

The select committee to whom was referred a resolution of the

Senate in reference to the amount of assistance necessary to be employed by the secretaries of the Senate, beg leave to report the following resolution:

*Resolved*, That the Secretaries of the Senate be authorized to employ the following number of assistants, to-wit:

One clerk for enrolling bills; one for engrossing bills; two for making out messages, copying resolutions and taking care of papers at the desk, etc.; two for the assistants in making out Journal;

And that the amount of assistants shall not exceed the number above specified.

The question being on the adoption of the resolution,

The ayes and noes were demanded by Messrs. Withrow and Butler.

*Those who voted in the affirmative were,*

Messrs. Adams, Anthony, Barnett, Barton, Black, Brookshire, Brown, Combs, Cox, Cutshaw, Edsall, Gibson, Greathouse, Gordon, Hall, Harris, Hawthorn, Horton, Hosbrook, Humphreys, Jackson of Madison, Jackson of Tipton, Morrison, Powell, Reynolds, Richardson, Roberts, Shallenberger, Shields and Wilson of Jay—30.

*Those who voted in the negative were,*

Messrs. Butler, Edwards, Gant, Glazebrook, Griggs, Helm, Hendry, Meeker, Odell, Shook, Simpson, Slater, Spann, Vandeventer, Williams and Witherow—16.

So the resolution was adopted.

On motion by Mr. Gibson,

*Resolved*, That the committee on Benevolent Institutions be requested to report to the Senate what officers of the benevolent institutions of the State, are to be re-elected at the present session of the General Assembly.

On motion by Mr. Gibson,

*Resolved*, That the resolution relating to subscribers for newspapers be extended in its operations to the officers of the Senate and their assistants.

On motion by Mr. Hawthorn,

*Resolved*, That the committee on Education inquire into the expediency of amending the common school law, by allowing county examiners of school teachers in one common school, one dollar for each examination made by them, and that said amount be paid by the applicant.

On motion by Mr. Edwards,

The Senate adjourned until 2 o'clock, P. M.

2 o'clock, P. M.

The Senate assembled.

Mr. Shields moved to reconsider the vote taken on referring the communication of Francis Christopher Brandt and John A. Bacham, to the Judiciary committee.

Pending which,

The following message was received from the House of Representatives, by Mr. Bowes their Clerk.

MR. PRESIDENT :

I am directed by the House of Representatives to inform the Senate that the House has passed the following resolution :

*Resolved*, That the Senate be invited to attend in the Hall of the House, *instanter*, for the purpose of electing a State Printer, and that seats be provided on the right of the Speaker's chair.

Which resolution was concurred in.

When the Senate repaired in a body to the Hall of the House, and proceeded by a joint *viva voce* vote to the election of a State Printer, the President of the Senate acting as President of the convention.

*Those who voted for Austin H. Brown on the part of the Senate were,*

Messrs. Adams, Barnett, Barton, Black, Brookshire, Brown, Combs, Cox, Cutshaw, Edsall, Gant, Gibson, Glazebrook, Gordon, Hawthorn, Horton, Hosbrook, Humphreys, Jackson of Madison, Jackson of Tipton, Kightley, Meeker, Morrison, Odell, Powell, Reynolds, Richardson, Roberts, Shallenberger, Shook, Slater and Spann.

*Those on the part of the House were,*

Messrs. Able, Brecount, Bridges, Brothwell, Brown, Buell, Bundy, Catlin, Chapin, Clark, Dodd, Donelson, Druley, Dufour, Dunlavey, Durham, Emery, Farnsley, Fleming, Gentry, Gootee, Graham, Hammond, Handy, Hartley, Henry, Henton, Hicks, Howell, Jones of Boone, Jones of Ripley, Lasselle, Lemmon, Lewis, Lowe, Manville, Maxfield, McCormick, McClure, McDonnall of Sullivan, McKee, McKinney, Milroy, Moss, Parker, Price, Read, Richardson, Rockefeller, Ryan, Seawright, Shoemaker, Simpson, Spencer, Stackhouse, Stephens, Stockwell, Struble, Sutton, Tanner, Thomas, Turpie, Underwood, Walker of Laporte, Work and Mr. Speaker—98.

*Those who voted for John D. Defrees on the part of the Senate were,*

Messrs. Butler, Edwards, Griggs, Harris, Helm, Hendry, Simpson, Vandeventer, Williams, Wilson of Harrison, Wilson of Jay and Witherow.

*Those on the part of the House were,*

Messrs. Burnett, Donald, Dyer, Ferris, Ferguson, Freeland, Goodman, Greene, Hamrick, Harris, Hendricks, Hooper Hunt, Jennings, Johnson, Laird, Lines, Martin, Orr, Peckenpaugh, Pratt, Scott, Service, Shelby, Shuman, Steele, Taber, Walker of Rush, and Yount—41.

Whole number of votes cast.....	141
Necessary to a choice.....	71
Austin H. Brown received .....	100 votes.
John D. Defrees received .....	41 votes.

Austin H. Brown having received a majority of all the votes given, was, by the President of the convention, declared duly elected State Printer, to serve as such for the term of three years, from and after the expiration of the term of service of the present incumbent.

The president of the convention then declared the same adjourned without day.

The Senate then returned to their chamber, and resumed the consideration of the motion of Mr. Shields.

And the question being put,

It was decided in the affirmative.

The question being on referring to the Judiciary committee,

Mr. Shields moved to amend by referring to a select committee of five.

Which was agreed to, and the communications so referred.

Messrs. Shields, Gibson, Anthony, Edwards and Witherow were appointed said committee.

On motion,

Mr. Gibson was excused from serving on the select committee, and Mr. Cox was appointed in his place.

Mr. Gibson moved to be excused from serving as chairman of the Judiciary committee.

Which was decided in the negative.

#### ORDERS OF THE DAY.

Bill of the Senate No. 3, a bill for the relief of Thomas Hunsucker, Was read a second time; and,

On motion by Mr. Gibson,  
Referred to the committee on Claims.

Mr. Humphreys submitted the following resolution :

*Resolved*, That the Senate resolve itself into a committee of the Whole on the Governor's message to-morrow at 2 o'clock.

Which was adopted.

The following message was received from the House of Representatives, by Mr. Bowes, their Clerk :

MR. PRESIDENT :

I am directed by the House to inform the Senate that the House insists on their disagreement to the engrossed amendment of the Senate to the amendment of the House to Senate bill No. 1, entitled "a bill to transfer the business pending in the probate courts to the courts of common pleas," and Messrs. Scott and Moss are appointed a committee of conference on the part of the House to act with a similar committee on the part of the Senate.

On motion by Mr. Brown,

A committee of free conference was appointed on the part of the Senate to act with the committee appointed on the part of the House, and Messrs. Gibson and Humphreys were appointed said committee.

Also, the following message was received from the House of Representatives, by Mr. Bowes, their Clerk :

MR. PRESIDENT :

I am directed by the House of Representatives to inform the Senate that the House has passed the following resolution :

*Resolved*, That a select committee of three on the part of the House, to act with a committee of three on the part of the Senate, be appointed to examine the late Revised Statutes, and report to their respective houses the sections or parts of sections that conflict with the provisions of the Constitution, and conflict with each other; also any omissions or conflicts that may have escaped the notice of the committee on revision.

Messrs. Seawright, Moss and Hendricks were appointed such committee.

In which the concurrence of the Senate is respectfully requested.

Which resolution was concurred in by the Senate, and

Messrs. Anthony, Witherow and Gibson appointed on the part of the House.

On motion by Mr. Brown,

The Senate adjourned until to-morrow morning at 9 o'clock.

FRIDAY MORNING, 9 o'clock, }  
January 14, 1853. }

The Senate assembled.

The journal of the preceding day was read.

PETITIONS AND MEMORIALS PRESENTED.

By Mr. Vandeventer:

Sundry petitions from citizens of this State on the subject of Temperance.

Which were,

On motion by Mr. Vandeventer,  
Referred to the committee on Temperance.

By Mr. Shook:

A petition of sundry citizens of this State on the subject of temperance;

Which was,

On motion by Mr. Shook,  
Referred to the committee on that subject.

By Mr. Williams:

The petitions of Wiley M. Lowry, and other citizens of this State upon the subject of Temperance.

Which was,

On motion by Mr. Williams,  
Referred to the committee upon that subject.

By Mr. Harris:

A memorial of sundry citizens of this State on the subject of prohibiting the manufacture and sale of Spirituous liquors.

Which was,

On motion by Mr. Harris,  
Referred to the committee on Temperance.

Mr. Anthony made the following report from the Judiciary committee:

MR. PRESIDENT:

The committee on the Judiciary to whom was referred a resolution of the Senate instructing said committee to inquire into the expediency of amending or repealing the distress law, or that part which relates to making rent upon the same footing as other debts, have had the same under consideration and have directed me to report that in their opinion it is inexpedient to legislate on the subject.

Which was concurred in by the Senate.

## RESOLUTIONS OF THE SENATE.

On motion by Mr. Brown,

*Resolved*, That the committee on Agriculture be instructed to report a bill amending chapter 117 of the Revised Statutes, approved June 9th, 1852, an act for the regulation of weights and measures, so as to embrace all kinds of grain commonly raised in Indiana, and report the same to the Senate at as early a day as may be convenient.

On motion by Mr. Brown,

*Resolved*, That the committee on corporations be instructed to report a bill amending the first section of chapter 116 of the Revised Statutes of 1852, an act for the formation of voluntary associations so as to embrace all associations formed for the purpose of importing foreign stock, and report the same to the Senate at as early a day as may be practicable.

On motion by Mr. Kightly,

*Resolved*, That the committee on the Judiciary be instructed to enquire, whether the amount of property now exempted by law from seizure or sale, for the payment of debt, is not more than sufficient to enable the debtor to enjoy the necessary comforts of life, as contemplated by the 22d section of article one of the constitution, and to report by bill or otherwise.

By Mr. Simpson,

*Resolved*, That the committee on the Judiciary be instructed so to amend the late law of descent, as to make a distinction between the widow of a first marriage, and the widow of a second, or subsequent marriage, giving the latter a less proportion of the decedents' property, in all cases where the decedent has left children of his first marriage.

By Mr. Hendry,

*Resolved*, That the Judiciary committee be instructed to inquire into the expediency of abolishing the grand jury system, and providing by law for punishment of crime without their intervention, and report by bill or otherwise.

## BILLS INTRODUCED.

By unanimous consent, Mr. Anthony introduced

No. 5. A bill to create the eleventh judicial circuit, and to fix the time of holding circuit courts therein.

Which was read a first time and passed to a second reading.

By unanimous consent, Mr. Hawthorn introduced

No. 6. A bill requiring county treasurers to keep their offices in fire proof buildings, where the same have been provided by the county boards.

Which was read a first time and passed to a second reading.

#### ORDERS OF THE DAY.

Senate bill No. 4. A bill to amend the 1st section of an act entitled "an act concerning interest on money," approved May 27, 1852, and by such amendment to authorize the taking of interest at a rate not exceeding ten per cent. per annum, when the same is agreed for in writing.

Was read a second time and ordered to be engrossed.

Mr. Gibson made the following report from a committee of Free Conference.

#### MR. PRESIDENT:

The committee of Free Conference to whom was referred Senate bill No. 1, a bill to transfer the business pending in the probate courts, and the probate business pending in the circuit courts, to the courts of common pleas, to provide for empannelling juries, and to legalize the business heretofore done therein, and have directed me to report, that they have unanimously agreed to recommend that the House recede from its disagreement to the Senate's amendment to the first amendment of the House.

Which was concurred in by the Senate.

Mr. Hawthorn submitted the following resolution:

*Resolved*, That the Judiciary committee inquire into the expediency of so amending the execution and appraisement law, that on all debts contracted after the first day of April, 1853, (except on suits against the principal on official bonds), property when sold on execution shall be at not less than half its appraised cash value.

Which was adopted.

On motion by Mr. Spann,

*Resolved*, That the Doorkeeper of the Senate be authorized to contract with the Postmaster for the forwarding of documents by mail (as well as newspapers), and certify to the same.

On motion by Mr. Butler,

*Resolved*, That the Governor be requested to inform the Senate as to the manner in which the business of State Agent could be conducted, and upon what terms, provided that office be abolished.

The following message was received from the House of Representatives, by Mr. Bowes, their Clerk.

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House have concurred in the report of the committee of Free Conference upon the disagreement of the two Houses, and the House have receded from their disagreement to the engrossed amendment of the Senate to the engrossed amendment of the House to Senate bill No. 1, to transfer the business of the circuit to the court of common pleas.

On motion by Mr. Hosbrook,

The credentials of members of the Senate, were referred to the committee on Elections.

Mr. Spann submitted the following resolution:

*Resolved*, That the committee on the Judiciary be instructed to report a bill at an early period of the session, repealing so much of the law of the last session of the legislature as requires district and State Boards of equalization of assessments of revenue.

Which,

On motion by Mr. Odell,

Was amended so as to make it a resolution of inquiry.

On motion by Mr. Roberts,

The resolution and amendments were laid upon the table.

On motion by Mr. Cutshaw,

*Resolved*, That the committee on Finance be instructed to inquire into the expediency of amending the law providing for the assessment of real property, so as to require each owner of real estate to give a valuation of the same upon oath, with leave to report by bill or otherwise.

On motion by Mr. Humphreys,

Leave of absence was granted to Mr. Barnett until Monday next.

Mr. Wilson of Jay, submitted the following resolution:

*Resolved*, That the committee on Temperance be instructed to inquire into the expediency of repealing all existing laws on the subject of the liquor traffic, and report by bill or otherwise.

Which was not adopted.

Mr. Jackson of Tipton submitted the following resolution:

*Resolved*, That the Judiciary committee be instructed to inquire into the expediency of so amending the assessment law as to require each person to give to the assessor the amount of all the taxable property, upon the first presentation of a blank form by the assessor.

Mr. Gordon moved to lay on the table.

Which was decided in the negative.

The resolution was then adopted.

On motion by Mr. Humphreys,

*Resolved*, That the Auditor of State be requested to lay before the Senate, the report of the State Board of Equalization, at as early a day as may be convenient.

On motion by Mr. Vandeventer,  
Leave of absence was granted to Mr. Horton, until to-morrow morning.

Mr. Brown moved to reconsider the vote taken yesterday, on the adoption of the resolution of Mr. Harris, upon the subject of temperance.

Which was agreed to.

The question then recurring on the adoption of the resolution,  
It was decided in the affirmative.

Mr. Anthony introduced

No. 7. A bill to authorize railroad companies, to connect with railroads in an adjoining State, and to consolidate their stock.

Which was read a first time and passed to a second reading.

Mr. Cox, chairman of the committee on Enrolled Bills, made the following report :

**MR. PRESIDENT:**

The committee on Enrolled Bills have compared enrolled bill of the Senate No. 1, with the engrossed copy thereof, and find the same correctly enrolled.

Mr. Gordon presented the memorial of the Sons of Temperance.  
Which,

On motion,

Was referred to the committee on Temperance.

Mr. Edwards submitted the following resolution :

*Resolved*, That the agent of the Indiana Colonization Society be requested, at as early a day as practicable, to furnish the Senate a statement in relation to the operations of said agency during the year 1852; the amount of money that has been expended out of the State treasury for said object; the number of colored persons, if any, that have signified a willingness to emigrate to Liberia, and all facts in his possession in relation to said population within this State.

Which was adopted.

The following message was received from the House of Representatives by Mr. Bowes, their Clerk :

**MR. PRESIDENT:**

I am directed by the House to inform the Senate that the Speaker has signed bill of the Senate No. 1, entitled "a bill to transfer the business now pending in the probate courts to the courts of common pleas."

On motion by Mr. Humphreys,

The Senate adjourned until 2 o'clock, P. M.

2 O'CLOCK, P. M.

The Senate assembled,

The hour having arrived, the Senate resolved itself into a committee of the Whole on the Governor's message, Senator Humphreys in the chair; and, after spending some time in consideration thereof, the committee rose and submitted the following report through their chairman, Mr. Humphreys:

MR. PRESIDENT:

The committee of the whole Senate, to whom was referred the annual message of his Excellency, the Governor of Indiana, have had the same under consideration, and have directed me to report that they have adopted sundry resolutions in relation thereto, in which the concurrence of the Senate is respectfully requested.

*Resolved*, That so much of the Governor's message as relates to temperance, be referred to the committee on Temperance.

*Resolved*, That so much of the Governor's message as refers to Banks, be referred to the committee on that subject.

*Resolved*, That so much of the Governor's message as relates to the subject of education, be referred to the committee on Education.

*Resolved*, That so much of the Governor's message as refers to swamp lands, be referred to the committee on Swamp Lands.

*Resolved*, That so much of the Governor's message as relates to the State Prison, be referred to the committee on that subject.

*Resolved*, That so much of the Governor's message as relates to corporations, be referred to the committee on Corporations.

*Resolved*, That so much of the Governor's message as relates to the bequest of the Board of Trustees of all the benevolent institutions for the additional appropriations asked for to complete said buildings, be referred to the committee on Benevolent Institutions.

*Resolved*, That so much of the Governor's message as refers to the State University at Bloomington, be referred to a select committee of five.

*Resolved*, That so much of the Governor's message as relates to the abolition of the office of State Agent be referred to the committee on Finance.

*Resolved*, That so much of the Governor's message as refers to agriculture be referred to the committee on that subject.

*Resolved*, That so much of the Governor's message as relates to African colonization be referred to the committee on Federal Relations.

*Resolved*, That so much of the Governor's message as recommends drunkenness be made a penal offense, be referred to the committee on the Judiciary.

*Resolved*, That so much of the Governor's message as relates to internal improvements, be referred to the committee on Canals and Internal Improvements.

*Resolved*, That as much of the Governor's message as refers to the circulation of small notes be referred to the committee on Banks.

*Resolved*, That so much of the Governor's message as relates to manufactures, be referred to the committee on that subject.

*Resolved*, That so much of the Governor's message as refers to the abolition of distinction between grand and petit larceny, be referred to the committee on the Judiciary.

*Resolved*, That so much of the Governor's message as relates to the revision of the statutes, be referred to the joint select committee on revision.

*Resolved*, That so much of the Governor's message as relates to common schools, be referred to the committee on Education.

*Resolved*, That so much of the Governor's message as relates to the subject of preventing betting on elections be referred to the committee on Elections.

*Resolved*, That so much of the Governor's message as relates to the decease of Messrs. Clay, Webster and Whitcomb, be referred to the committee on Federal Relations.

*Resolved*, That so much of the Governor's message as refers to the claims of Thomas Hunsucker be referred to the committee on Claims.

*Resolved*, That so much of the Governor's message as refers to mechanics' lien be referred to the committee on the Judiciary.

*Resolved*, That so much of the Governor's message as relates to ways and means be referred to the committee on Finance.

*Resolved*, That so much of the Governor's message as relates to the three per cent. fund, be referred to the committee on Roads.

*Resolved*, That so much of the Governor's message as relates to disconnecting the banking system from the office of Auditor of State, and creating a board of Bank Commissioners, be referred to the committee on Banks.

*Resolved*, That so much of the Governor's message as relates to county and township business, be referred to the committee on County and Township Business.

*Resolved*, That so much of the Governor's message as relates to

the erection of work houses or houses of refuge in connection with our county jails, be referred to the committee on County and Township Business.

*Resolved*, That so much of the Governor's message as relates to the case of Patrick McGinley, be referred to the committee on Claims.

*Resolved*, That so much of the Governor's message as relates to the executive offices of the State, making monthly statements of the operations of the State departments, be referred to the committee on the Judiciary.

*Resolved*, That so much of the Governor's message as relates to casualties on railroads, be referred to the committee on Corporations.

*Resolved*, That so much of the Governor's message as relates to railroads and other public thoroughfares, be referred to the committee on Corporations.

*Resolved*, That so much of the Governor's message as relates to the State prison, be referred to the committee on the State Prison.

Which report was concurred in by the Senate, and the resolutions adopted.

The following message was received from his Excellency the Governor by Mr. King his private secretary.

MR. PRESIDENT:

I am directed by the Governor to inform the Senate that he has approved and signed the following bill:

No. 1. An act to transfer the business pending in the probate courts, and the probate business pending in the circuit courts, to the courts of common pleas; to provide for the empanneling juries, and to legalize the business heretofore done therein.

Which bill originated in the Senate.

On motion by Mr. Edwards,

The vote taken on ordering Senate bill No. 4, a bill regulating interest, to be engrossed,

Was reconsidered.

The question then being on ordering the bill to be engrossed,

On motion by Mr. Humphreys,

The bill was laid on the table and made the special order for to-morrow at 2 o'clock.

On Motion by Mr. Wilson of Harrison,

The vote was reconsidered making Senate bill No. 4, the special order of the day for to-morrow at 2 o'clock.

And,

On motion by Mr. Wilson of Harrison,  
The bill was made the special order of business for Thursday next  
at 2 o'clock P. M.

On motion by Mr. Gibson,  
The Senate adjourned until to morrow morning.

SATURDAY MORNING, 9 o'clock, }  
January 15, 1853. }

The Senate assembled.

The Journal of the preceding day was read.

PETITIONS AND MEMORIALS PRESENTED.

By Mr. Helm,

The petitions of sundry citizens of Decatur county upon the sub-  
ject of the manufacture and sale of ardent spirits.

Which was,

On motion,

Referred to the temperance committee.

Mr. Gibson presented communications from Oscar B. Hord and  
John S. Scobey on the subject of amending. (?)

Which were,

On motion by Mr. Gibson,

Referred to the Judiciary committee.

The President laid before the Senate the following communication  
from the Auditor of State.

OFFICE OF AUDITOR OF STATE, }  
INDIANAPOLIS, January 14, 1853. }

HON. A. P. WILLARD,

*President of the Senate.*

SIR:—Please lay before the Senate in compliance with a resolu-  
tion of that body, the accompanying copy of the proceedings of the  
State Board of Equalization, also, copies of the decisions of the su-  
preme court upon questions involved in that report.

And oblige, very respectfully,

E. W. H. ELLIS, *Auditor of State.*

Which,

On motion by Mr. Gibson,

Were laid on the table, and 250 copies ordered to be printed.

Mr. Gordon presented the petition of sundry persons of this State on the subject of temperance; which were,

On motion by Mr. Gordon,  
Referred to the committee on that subject.

By Mr. Gant:

A petition of sundry citizens of this State upon the subject of the manufacture and sale of ardent spirits;

Which was referred to the committee on Temperance.

#### RESOLUTIONS INTRODUCED.

By Mr. Shields,

*Resolved*, That the committee on the Judiciary be instructed to report a bill so amending the present law with regard to license for retailing spirituous liquors, as to provide for the counting of the votes actually given for or against license only, at the township elections, and prohibiting the counting either way of any other votes.

On motion by Mr. Spann,

The resolution was amended so as to make it one of inquiry.

The resolution as amended was then adopted.

By Mr. Griggs,

*Resolved*, That the Judiciary committee be instructed to inquire into the expediency of so amending section 66, of the law regulating the settlement of decedents' estates, approved June 17, 1852, as to give to administrators and executors the power to allow all claims against decedents' estates, when satisfied of the correctness and justice of the same, and make it the duty of such administrator or executor, when any claim or claims are by them allowed to indorse on the back of the same the words "allowed by me," signing the name of such executor or administrator (as the case may be), with the time of the endorsement of the same.

By Mr. Jackson of Tipton,

*Resolved*, That so much of the Governor's message as relates to the suit pending in regard to the construction of the reservoir on Splunge creek, in Clay county, be referred to the committee on the Judiciary.

By unanimous consent of the Senate,

Mr. Gibson introduced No. 8, a bill to prohibit the evidence of Indians and persons having one-eighth or more of negro blood, in all cases where white persons are parties in interest;

Which was read a first time and passed to a second reading.

## ORDERS OF THE DAY.

*Senate bills on second reading.*

No. 5. A bill to create the eleventh judicial circuit, and to fix the time of holding courts therein :

Was read a second time ; and,

On motion by Mr. Richardson,

The bill was referred to the committee on the Organization of Courts.

No. 6. A bill requiring county treasurers to keep their offices in fire proof buildings where the same have been provided by the county boards:

Was read a second time ; and,

On motion by Mr. Gibson,

Referred to the Judiciary committee.

No. 7. A bill to authorize railroad companies to connect with railroads in an adjoining State, and to consolidate their capital stock ; was,

On motion by Mr. Richardson,

Read a second time by its title,

And referred to the committee on Corporations.

On motion by Mr. Humphreys,

The vote ordering bill No. 7, to be read a second time by its title,

Was reconsidered.

When the bill was read a second time ; and,

On motion by Mr. Morrison,

Referred to the committee on Corporations.

The following message from the House of Representatives was taken up:

**MR. PRESIDENT :**

I am directed by the House of Representatives to inform the Senate, that the House have passed the following engrossed bill of the House No. 3, entitled, a bill to repeal an act defining the time of holding the circuit court in the county of Marion and for other purposes," approved February 16, 1848, and an act relative to the practice of the law in Marion county, approved February 13, 1851, in which the concurrence of the Senate is respectfully requested.

Bill No. 3 contained in the message, was read a first time and ordered to a second reading.

The President appointed Mr. Glazebrook to act on the part of the Senate as a joint committee on Enrolled Bills.

On motion by Mr. Humphreys,

The vote laying the report of the State Bank of Indiana on the table;

Was reconsidered, and 200 copies ordered to be printed.

The President announced the following select committee on the State University, in compliance with a resolution of the Senate.

Messrs. Cox, Edwards, Combs, Adams and Gant.

The President also announced the following select committee on the Geological Survey of the State of Indiana:

Messrs. Edsall, Greathouse, Helm, Hosbrook and Williams.

Mr. Gibson submitted the following resolution:

*Resolved*, That when the Senate adjourns, it will adjourn to meet on Monday morning at 9 o'clock.

Which was adopted.

When,

On motion,

The Senate adjourned.

MONDAY MORNING, 9 o'clock, }  
January 17, 1853. }

The Senate Assembled.

The journal of the preceding day was read.

#### PEPITIONS PRESENTED.

By Mr. Adams;

Two petitions of sundry citizens of this State upon the subject of prohibiting the manufacture and sale of ardent spirits.

Which were,

On motion by Mr. Adams,

Referred to the committee on Temperance.

By Mr. Harris;

Three petitions of sundry citizens of Elkhart county upon the subject of temperance,

Which were,

On motion by Mr. Harris,

Referred to the committee upon that subject.

## REPORTS FROM COMMITTEES.

Mr. Hendry submitted the following report from the Judiciary committee:

MR. PRESIDENT:

The committee on Judiciary, to whom was referred a resolution instructing them to inquire whether the amount of property now exempted by law from seizure, and sale, for the payment of debt, is not more than sufficient to enable the debtor to enjoy the necessary comforts of life, as contemplated by the 22d section of article one of the constitution, and have directed me to report that it is inexpedient to legislate on the subject, and recommend that the resolution be laid on the table.

Which report was concurred in by the Senate.

Mr. Cox submitted the following report from committee on Judiciary.

MR. PRESIDENT:

The committee on the Judiciary to whom was referred the resolution of the Senate, requesting said committee to examine into the expediency of abolishing the grand jury system, and provide by law for the punishment of crime without their intervention, have had the same under consideration, and have requested me to report, that in their opinion it would be inexpedient to abolish the grand jury system, and recommend the resolution lay on the table.

Which was concurred in by the Senate.

Mr. Harris made the following report from the Judiciary committee:

MR. PRESIDENT:

The Judiciary committee, to whom was referred the petition of Cinica Hancock of Franklin county, a minor, asking to have conferred upon him all the privileges appertaining to citizens of full age, have instructed me to report, that in their opinion such legislation would not only be inexpedient but unconstitutional, and recommend that the petition lay on the table.

Which was concurred in by the Senate.

Mr. Witherow submitted the following report from the committee on the Judiciary:

MR. PRESIDENT:

The committee on the Judiciary have considered a resolution instructing said committee to inquire into the expediency of amending the license law, so as to count only the votes actually cast for or against license, and have instructed me to report, that in their opinion, it is both expedient and constitutional, and would recommend, that the subject be referred to the committee on Temperance.

Which was concurred in by the Senate, and the resolution so referred.

Mr. Griggs submitted the following report from the committee on the Judiciary:

MR. PRESIDENT:

The Judiciary committee to whom was referred bill of the Senate No. 6, entitled "a bill requiring county treasurers to keep their offices in fire proof buildings, where the same have been provided by the county board," have had the same under consideration, and directed me to report the same back with the following amendments, and ask the concurrence of the Senate:

1st. Amend section 1st by striking out the word "the," in the second line, before county treasurer.

2d. Strike out the words "of the several counties of this State" in the second line after the words county treasurers.

3d. Strike out the words "be required to," after the word shall, in the second line.

4th. Amend section 2d, by striking out all after the word "thereof" in the 8th line, and insert the following: "be fined in any sum not exceeding one hundred dollars."

5th. Strike out the third section.

Which report was concurred in by the Senate.

Mr. Gant from the Judiciary committee, made the following report:

MR. PRESIDENT:

The committee on the Judiciary to whom was referred a resolution of the Senate, directing them to inquire into the expediency of so amending the execution and appraisement law, that on all debts contracted after the first day of April, 1853, (except in suits against the principal on official bonds,) property when sold on execution shall be at not less than half its appraised cash value, have had the same under consideration, and have instructed me to report that in their opinion it is inexpedient to legislate upon that subject.

Which was concurred in by the Senate.

## RESOLUTIONS INTRODUCED.

Mr Harris offered the following preamble and resolution:

**WHEREAS**, The compensation to the State Printer was fixed in 1843 before the steam power printing press was introduced, and in use in this State, **AND WHEREAS**, by means of such presses, all kinds of printing can be, and is done, and afforded at one-third less labor and expense than formerly, therefore,

*Resolved*, That the Judiciary committee be instructed to ascertain the present prices of printing, and for that purpose they have power to send for persons and papers, to examine witnesses on oath or otherwise, and to report a bill fixing the compensation of State Printer at such prices.

On motion by Mr. Slater,

The preamble and resolution were referred to the committee on Printing.

On motion by Mr. Horton,

*Resolved*, That the committee on Roads be instructed be to inquire into the expediency of amending the 34th, and 31st sections of chapter 48, of the Revised Statutes of 1852, that a proposed highway when reported to be of public utility, may be opened, notwithstanding objections made by freeholders residing along the same.

On motion by Mr. Gibson,

*Resolved*, That the Judiciary committee be instructed to inquire whether the law of descents enacted last winter reserves any rights to alien heirs or devisees, and report by bill or otherwise.

On motion by Mr. Hendry,

*Resolved*, That the Judiciary committee be instructed to inquire into the expediency of permitting foreign guardians to make sale of lands belonging to their wards in this State in like manner, and upon like conditions, as foreign executors are permitted to sell lands.

Mr. Jackson of Tipton submitted the following preamble and resolution:

**WHEREAS**, The publishing of the Revised Statutes having just been completed, therefore it cannot be expected that the members of the General Assembly are sufficiently familiar with its provisions, to know what further revision or amendments are necessary, **AND WHEREAS**, it is very important, from the shortness of the session, and amount of labor to be done, that every possible means be used, and to accomplish this it is

*Resolved*, That the President of the Senate appoint the whole Senate in committees of from three to five in each committee for examination, and that they be required to report from day to day

such revision or amendments as they may think proper, until the work be completed.

On motion by Mr. Slater,

The preamble and resolution was laid on the table.

On motion by Mr. Gibson,

*Resolved*, That the committee on Benevolent Institutions be instructed to investigate the manner in which the fiscal operations of the benevolent institutions of the State have been conducted during the past year, and report the result of such investigation to the Senate.

#### ORDERS OF THE DAY.

##### *Bills on second reading.*

Senate bill No. 8, a bill to prohibit the evidence of Indians and persons having one-eighth or more of negro blood, in all cases where white persons are parties in interest;

Was read a second time, and ordered to be engrossed.

House bill No. 3, a bill to repeal an act fixing the time of holding circuit courts in the county of Marion, and for other purposes, approved February 16, 1848; and an act relative to the practice of the law in Marion county, approved February 13, 1851;

Was read a second time; and,

On motion by Mr. Gibson,

Referred to the Judiciary committee.

Ay unanimous consent of the Senate,

Mr. Brookshire introduced bill No. 9, a bill to provide for filling vacancies in the office of Reporter of the decisions of the Supreme Court;

Which was read the first time; when,

Mr. Brookshire obtained leave and withdrew the bill.

The President laid before the Senate the following communication from the Auditor of State.

OFFICE OF AUDITOR OF STATE, }  
INDIANAPOLIS, JAN. 15, 1853. }

HON. A. P. WILLARD,

*President of the Senate:*

SIR,—Please lay before the Senate the annual report from this office,

And oblige, very respectfully,

E. W. H. ELLIS, *Auditor of State.*

Which report,

On motion by Mr. Gibson,

Was laid on the table and two thousand copies ordered to be printed.

On motion by Mr. Anthony,  
The Senate adjourned until 2 o'clock, P. M.

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2 o'clock, P. M.

The Senate assembled.

Mr. Edsall offered the following resolution:

*Resolved*, That one thousand copies of the report of the Auditor of State be printed in the German language.

Mr. Wilson of Harrison moved to amend by adding one thousand in the French language.

The question being on the adoption of the amendment,

The ayes and noes were demanded by Senators Wilson of Harrison and Humphreys.

*Those who voted in the affirmative were,*

Messrs. Edsall, Edwards, Greathouse, Griggs, Harris, Hendry, Richardson, Simpson, Vandeventer, and Wilson of Jay—10.

*Those who voted in the negative were,*

Messrs. Adams, Anthony, Barton, Black, Brookshire, Butler, Combs, Cox, Cutshaw, Gant, Gibson, Glazebrook, Gordon, Hall, Hawthorn, Helm, Hosbrook, Humphreys, Jackson of Madison, Jackson of Tipton, Meeker, Powell, Reynolds, Roberts, Shallenberger, Shields, Shook, Slater, Spann, Williams, Wilson of Jay and Witherow—32.

So the amendment was not adopted.

Mr. Wilson of Harrison moved to lay the resolution on the table.

Which was decided in the negative.

The resolution was then adopted.

Mr. Anthony submitted the following report from the committee on the organization of courts.

MR. PRESIDENT:

The committee on the organization of courts to which was referred Senate bill No. 5, entitled a bill to create the eleventh Judicial circuit, and to fix the time of holding courts therein, has had the same under consideration, and made the following amendments thereto, to-wit:

Add to the second section the following words :

The said courts if the business thereof require it, shall sit in the counties of Cass, Miami and Wabash, three weeks, in the counties of Carroll and Clinton two weeks, and in the counties of White, Huntington and Howard, one week each term, and when said bill is so amended, recommend its passage.

Which report was concurred in by the Senate.

Mr. Vandeventer offered the following amendment to the bill :

Amend the 1st section by inserting the word Grant after the word Wabash.

Amend the 2nd section by inserting after the word Miami, in the county of Grant, on the Monday succeeding the courts in the county of Wabash.

Also, amend the amendment by inserting after the word Clinton, the word Grant.

Which amendments were adopted.

Mr. Edsall moved to amend the bill by striking out the word Huntington, wherever it occurs.

Pending which,

On motion by Mr. Wilson of Harrison,

The bill and pending amendments were referred to a select committee consisting of Messrs. Shallenberger, Horton, Vandeventer, Barnett, Black and Odell.

The following message from the House of Representatives was taken up.

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House has passed the following joint resolution:

No. 6. A joint resolution in reference to obtaining permission of the State of Illinois to open the falls and straightening the channel of the Kankakee river above said falls.

In which the concurrence of the Senate is respectfully requested.

Joint resolution No. 6, contained in the message, was read a first time and ordered to a second reading.

On motion by Mr. Gibson,

The Senate adjourned until to-morrow morning, 9 o'clock.

TUESDAY MORNING, 9 o'clock, }  
January 18th, 1853. }

The Senate assembled.

The Journal of the preceding day was read.

#### REPORTS FROM COMMITTEES.

Mr. Adams from the committee on education submmitted the following report:

MR. PRESIDENT:

The committee on Education to whom was referred a resolution of the Senate, instructing said committee to inquire into the expediency of so amending chapter 98 of the revised statutes upon the subject of common schools, as to create school districts within each township, to provide for the election of district trustees, defining their powers and duties, that all taxes and assessments for building school houses shall be upon the inhabitants, and property of the respective school districts, and that the interest upon the congressional township funds be exclusively applied to the support of schools within the respective congressional townships, have had the same under consideration, and have directed me to report, that in the opinion of said committee it is inexpedient to legislate upon the subject mentioned in said resolution.

The question was then taken on concurring in the report, and no quorum voting;

On motion by Mr. Humphreys,

A call of the Senate was ordered.

The Secretary then proceeded to the call, when the following Senators answered to their names:

Messrs. Adams, Anthony, Barnett, Barton, Brookshire, Brown, Butler, Combs, Cox, Cutshaw, Edsall, Gant, Gibson, Glazebrook, Gordon, Harris, Hawthorn, Hendry, Horton, Hosbrook, Humphreys, Jackson of Madison, Jackson of Tipton, Kightley, Meeker, Richardson, Roberts, Shields, Shook, Simpson, Slater, Spann, Sullivan, Vandeventer, Williams, Wilson of Harrison, Wilson of Jay, and Witherow—39.

On motion by Mr. Humphreys,

The further call of the Senate was suspended.

On motion by Mr. Wilson of Harrison,

The report was laid on the table.

Mr. Hawthorn submitted the following report, from the committee on Education:

MR. PRESIDENT:

The committee on Education to whom was referred a resolution of the Senate requesting said committee to amend the common school law, so that all assessments and collections on the polls and taxable property of the citizens of this State, for common school purposes, shall be distributed in the counties in which the same shall have been collected, have had the same under consideration and directed me to report, that in the opinion of your committee it is inexpedient to legislate upon the subject of said resolution.

Which report,

On motion by Mr. Slater,

Was laid on the table.

Mr. Anthony introduced joint resolution,

No. 1. A joint resolution in relation to the Harbor at Michigan city.

Which was read a first time and passed to a second reading.

#### ORDERS OF THE DAY.

Joint resolution of the House,

No. 6. A joint resolution in reference to obtaining permission of the State of Illinois to open the Falls, and straightening the channel of the Kankakee river above said falls.

Which was read a second time and ordered to a third reading.

Senate bill No. 8. A bill to prohibit the evidence of Indians, and persons having one-eighth or more negro blood, in all cases where white persons are parties in interest.

Which was read a third time,

And the question being on the passage of the bill;

*Those who voted in the affirmative were,*

Messrs. Adams, Anthony, Barnett, Black, Brookshire, Brown, Combs, Cox, Cutshaw, Edsall, Edwards, Gant, Gibson, Glazebrook, Greathouse, Gordon, Hall, Hawthorn, Humphreys, Jackson of Madison, Jackson of Tipton, Kightley, Morrison, Odell, Powell, Reynolds, Richardson, Roberts, Shields, Shook, Slater, Spann, Sullivan, Wilson of Harrison and Witherow—36.

*Those who voted in the negative were,*

Messrs. Butler, Griggs, Harris, Hendry, Horton, Hosbrook, Meeker, Shallenberger, Vandeventer, Williams and Wilson of Jay—11.

So the bill passed.

Ordered that the Secretary inform the House thereof.

On motion by Mr. Gibson,

The Senate adjourned until 2 o'clock, P. M.

2 o'clock, P. M.

The Senate assembled.

On motion,

Mr. Sullivan took the chair.

Senate bill No. 6, a bill requiring county treasurers to keep their offices in fire proof buildings, where the same have been provided by the county board.

Was read a third time.

On motion by Mr. Gibson,

The second section of the bill, was amended by unanimous consent, by striking out the word "and," and insert the word "or."

The question being on the passage of the bill.

*Those who voted in the affirmative were,*

Messrs. Adams, Anthony, Barnett, Barton, Black, Brookshire, Brown, Butler, Combs, Cox, Cutshaw, Edsall, Edwards, Gant, Gibson, Glazebrook, Greathouse, Griggs, Gordon, Hall, Harris, Hawthorn, Helm, Hendry, Humphreys, Jackson of Madison, Jackson of Tipton, Kightly, Meeker, Morrison, Powell, Reynolds, Richardson, Roberts, Shook, Simpson, Slater, Sullivan, Williams, Wilson of Harrison, Wilson of Jay and Witherow—41.

No Senator voting in the negative.

So the bill passed.

Ordered that the Secretary inform the House thereof.

Mr. Gibson, chairman of the Judiciary committee, made the following report:

MR. PRESIDENT:

The Judiciary committee who were instructed to inquire whether the law of descents enacted last winter, reserves any right to alien friends or devisees, have had that subject under consideration, and have directed me to report that no rights of inheritance are so reserved.

In some instances their rights are protected by the treaties made by the United States with the governments of which they are citizens, and for the purpose of placing all alien friends upon a footing of equality. The committee have directed me to report the following bill and recommend its passage.

No. 10. "A bill authorizing alien friends to take lands by descent or devise, and releasing to such alien friends the interest of the State in lands heretofore escheated, upon condition of their removing to this State, or selling and conveying such lands to some citizen of this State, and providing for the appointment of guardians for such alien friends when minors."

Which was read a first time and passed to a second reading.

Mr. Gibson, chairman of the Judiciary committee, made the following report:

MR. PRESIDENT:

The Judiciary committee to whom was referred House bill No. 3, an act repealing certain laws local to the county of Marion, have had said bill under consideration and have directed me to report, that beyond all doubt those laws are already repealed by the 92d chapter of the Revised Code of 1852, vol. 1, page 430, and recommend that the bill be indefinitely postponed as unnecessary and useless.

Which report was concurred in by the Senate, and the bill indefinitely postponed.

Mr. Wilson of Harrison submitted the following resolution:

*Resolved*, That the Treasurer of State inform the Senate, whether or not, any secretary or assistant secretary serving as such during the last session of the legislature, received pay for his services without a warrant from the auditor, and if so, the name and amount.

Mr. Gibson moved that the resolution be laid upon the table.

Upon which the ayes and noes were demanded by Senators Wilson of Harrison and Williams.

*Those who voted in the affirmative were,*

Messrs. Adams, Anthony, Barnett, Barton, Brookshire, Brown, Cutshaw, Edsall, Gibson, Glazebrook, Greathouse, Gordon, Hall, Hawthorn, Horton, Hosbrook, Humphreys, Jackson of Madison,

Jackson of Tipton, Kightley, Morrison, Powell, Reynolds, Richardson, Roberts, Shallenberger, Shook, Slater, Spann and Sullivan—30.

*Those who voted in the negative were,*

Messrs. Butler, Combs, Cox, Edwards, Gant, Griggs, Harris, Helm, Hendry, Meeker, Odell, Simpson, Vandeventer, Williams, Wilson of Harrison, Wilson of Jay and Witherow—17.

So the resolution was laid on the table.

By unanimous consent of the Senate,

Mr. Wilson of Jay introduced No. 11, a bill to do justice to purchasers of school lands and to enable county auditors to correct errors in the sale of the same:

Which was read a first time and passed to a second reading.

Mr. Hendry submitted the following resolution:

*Resolved*, That the Judiciary committee be instructed to inquire into the expediency of requiring clerks of the common pleas and circuit courts to execute new or additional official bonds, and that they report by bill or otherwise.

Which was adopted.

Mr. Edwards submitted the following preamble and resolution:

WHEREAS, The Governor in his annual message has informed the General Assembly, that twelve thousand dollars more of bank scrip than was issued has been redeemed at the State treasury;

*Therefore be it resolved*, That a select committee of three from the Senate be appointed to investigate the same, and have power to send for persons and papers, to act with a similar committee on the part of the House.

Which resolution was adopted,

And Messrs. Edwards, Gibson and Adams were appointed said committee.

On motion by Mr. Shields,

*Resolved*, That the committee on the Judiciary inquire into the expediency of passing an act compelling railroad companies to fence in their roads within twelve months after the laying down thereof.

On motion by Mr. Hawthorn,

*Resolved*, That the Judiciary committee inquire into the expediency of so amending the law in relation to the duties of grand jurors, by making it imperative at their semi-annual sessions to examine into the condition of the offices of county clerk, recorder, auditor and treasurer, in each county, and report on the same in open court to the judge thereof, at each term.

Mr. Edsall presented the petition of sundry citizens of Allen, Wells and Adams county, on the subject of locating a State road;

Which,

On motion by Mr. Edsall,  
Was referred to the committee on Roads.

Mr. Black submitted the following report from a select committee:

**MR. PRESIDENT:**

The select committee to which was referred Senate bill No. 5, with various amendments, have considered the same, and instructed me to report the same back with the following amendment, to-wit: Strike out after the enacting clause, and insert the following:

**SEC. 1.** The eleventh judicial circuit is hereby created, and consists of the counties of Grant, Huntington, Wabash, Miami, Howard, Cass, Carroll and White.

**SEC. 2.** The continuance of the terms of court in said circuit, shall be as follows, to-wit: In the counties of Cass and Wabash, three weeks each; in the counties of Carroll, Miami and Grant, two weeks each; in the counties of Huntington, Howard and White, one week each.

**SEC. 3.** The terms of court in said counties shall commence as follows, to-wit: In the county of Miami, on the second Mondays in February and August, in each year; in the county of Howard, on the Monday succeeding the courts in the county of Miami; in the county of Grant, on the Monday succeeding the courts in the county of Howard; in the county of Wabash, on the Monday succeeding the courts in the county of Grant; in the county of Cass, on the Monday succeeding the courts in the county of Wabash; in the county of Carroll, on the Monday succeeding the courts in the county of Cass; in the county of White, on the Monday succeeding the courts in the county of Carroll; in the county of Huntington, on the Monday succeeding the courts in the county of White.

**SEC. 4.** The county of Jasper is hereby added to the ninth judicial circuit.

**SEC. 5.** All writs, subpœnas, venire, rules, orders of court, recognizances, publications and processes whatever, which may have issued from said circuit courts in said counties since the last session thereof, or which may hereafter issue previous to the commencement of said terms, shall be deemed and taken to be, and are hereby made returnable to the first day of the first term of said courts, to be holden in virtue of this act.

**SEC. 6.** It is hereby declared that an emergency exists for the immediate passage of this act, and that the same shall have force and effect from and after the Governor's approval.

Which report was concurred in, and the amendment adopted.

On motion by Mr. Gibson,  
The bill was considered as engrossed, and read a third time.  
The question being on the passage of the bill,

*Those who voted in the affirmative were,*

Messrs. Adams, Anthony, Barnett, Barton, Black, Brookshire, Brown, Butler, Combs, Cox, Cutshaw, Edwards, Gibson, Glazebrook, Greathouse, Griggs, Gordon, Hall, Harris, Hendry, Horton, Hosbrook, Humphreys, Jackson of Madison, Kightley, Meeker, Odell, Powell, Reynolds, Richardson, Roberts, Shallenberger, Shields, Simpson, Slater, Spann, Sullivan, Vandeventer, Williams, Wilson of Harrison, Wilson of Jay, and Witherow—42.

*Those who voted in the negative were,*

Messrs. Edsall, Gant, Hawthorn, Helm, Jackson of Tipton, Morrison, and Shook—7.

So the bill passed.

Ordered that the Secretary inform the House thereof.

On motion by Mr. Meeker,

The Senate adjourned until to-morrow morning 9 o'clock.

WEDNESDAY MORNIG, 9 o'clock, }  
January 19, 1853. }

The Senate assembled.

The Journal of the preceding day was read.

The president laid before the Senate the following communication from the Superintendent of the Blind Asylum:

INDIANA INSTITUTE FOR THE EDUCATION OF THE BLIND, }  
Indianapolis, January 18, 1853. }

*President of the Senate:*

DEAR SIR:—I am authorized to transmit to you the accompanying document, being the sixth annual report of the Trustees of the State Institute for the Blind, on the condition and progress of their charge.

Very respectfully,

W. H. CHURCHMAN, *Super't. I. I. B.*

Which report was,

On motion by Mr. Humphreys,

Laid on the table, and 2,000 copies ordered to be printed.

## PÉTITIONS AND MEMORIALS PRESENTED.

By Mr. Wilson of Jay,  
The petition of John Lasley, and 24 other citizens of Randolph  
county, for the suppression of the manufacture and sale of alcohol.  
Which was,

On motion Mr. Wilson,  
Referred to the committee on Temperance.

By Mr. Gordon;  
Sundry petitions upon the subject of temperance.  
Which were,

On motion by Mr. Gordon,  
Referred to the committee on that subject.

By Mr. Reynolds;  
Three petitions on the subject of prohibiting the manufacture and  
sale of ardent spirits.

Which were,  
On motion by Mr. Reynolds,  
Referred to the committee on Temperance.

By Mr. Sullivan;  
Sundry petitions and memorials, relative to the estate of John  
Fischli, deceased.

Which were,  
On motion by Mr. Sullivan,  
Referred to the select committee already appointed upon that sub-  
ject, with instructions to make an early report.

## REPORTS FROM COMMITTEES.

Mr. Hendry submitted the following report from the committee  
on the Judiciary:

MR. PRESIDENT:

The Judiciary committee to whom was referred a resolution in-  
structing them to inquire into the expediency of permitting "foreign  
guardians to make sale of lands belonging to their wards in this  
State in like manner and upon like condition as foreign executors  
are permitted to sell lands," have had the same under consideration,  
and directed me to report the following bill and recommend its  
passage.

No. 12. A bill to authorize foreign guardians to sell real estate  
of their wards in this State.

Which was read a first time and passed to a second reading.

Mr. Richardson, chairman of the committee on Corporations, made the following report:

MR. PRESIDENT:

The committee on Corporations, to whom was referred a resolution of the Senate instructing said committee to report a bill amending chapter 116 of the Revised Statutes, so as to authorize the formation of voluntary associations for the purpose of importing foreign stock, have had the same under consideration, and in accordance with the resolution they have directed me to report the following bill.

No. 13. A bill to amend an act entitled an act to authorize the formation of voluntary associations, approved May 13, 1852.

Which was read a first time, and passed to a second reading.

Mr. Black submitted the following resolution:

*Resolved*, That the joint committee on Revision be instructed to inquire into the expediency of so amending the 169th section of the act providing for the settlement of decedents' estates, and the act to establish courts of common pleas, section 26, so as to make them harmonize.

Mr. Anthony moved to amend so as to refer to the committee on the Judiciary.

Which was not agreed to,

The resolution was then adopted.

On motion by Mr. Anthony,

*Resolved*, That the committee on Swamp Lands be instructed to inquire whether any legislation is necessary to secure to the purchasers of said land, titles in cases where said lands have been entered previous to the issuing of the patent by the United States government to the State, and report by bill or otherwise.

On motion by Mr. Sullivan,

*Resolved*, That the committee on County and Township Business be requested to report a bill providing for a uniform system for establishing county lines and locating permanently the courses of the same.

#### ORDERS OF THE DAY.

Senate bill, No. 10, a bill authorizing alien friends to take lands by descent or devise and releasing to such alien friends the interest of the State in lands heretofore escheated, upon condition of their removing to this State, or selling and conveying such lands to some citizen of this State, and providing for the appointment of guardians for such alien friends when minors;

Was read a second time; when,

Mr. Spann offered the following amendment: Amend the second section, by striking out the following:

"Either at public or private sale, and shall have by virtue of his appointment, and without further order of court, the power and authority to sell and convey such lands as such ward would have had if of full age," and insert in lieu thereof, "as other lands are sold belonging to minors under the order of said court, and report his proceedings therein to the court of common pleas for confirmation."

Which was adopted.

Mr. Sullivan moved to strike out of the second section the words "this State," and insert the words "the United States."

Which motion prevailed.

Mr. Cox offered the following amendment:

Amend the proviso in the 1st section by striking out all after the word "Congress."

Which,

On motion by Mr. Gibson,

Was laid on the table.

Mr. Wilson of Harrison, moved to lay the bill and amendments on the table, and that 150 copies be printed.

A division of the question being called for,

The question was first taken on laying on the table.

Which was decided in the affirmative.

The question was then taken on printing 150 copies,

Which was also decided in the affirmative.

Senate bill No. 11, a bill to do justice to purchasers of school lands, and to enable county auditors to correct errors in the sale of the same.

Was read a second time; and,

On motion by Mr. Adams,

Referred to the committee on the Judiciary.

Senate joint resolution No. 1, a joint resolution in relation to the harbor at Michigan City.

Was read a second time and ordered to be engrossed.

House joint resolution No. 6, a joint resolution in reference to obtaining permission of the State of Illinois to open the falls and straightening the channel of the Kankakee river above said falls.

Was read a third time.

The question being on the passage of the joint resolution.

*Those who voted in the affirmative were,*

Messrs. Adams, Anthony, Barnett, Barton, Black, Brookshire, Brown, Butler, Combs, Cox, Cutshaw, Edsall, Edwards, Gibson, Glazebrook, Greathouse, Griggs, Gordon, Hall, Harris, Hawthorn, Hendry, Horton, Hosbrook, Humphreys, Jackson of Madison, Jackson of Tipton, Meeker, Odell, Powell, Richardson, Roberts, Shallenberger, Shook, Simpson, Slater, Spann, Sullivan, Vandeventer, Williams, Wilson of Jay and Wilson of Harrison—42.

Mr. Shields voted in the negative.

So the joint resolution passed.

Ordered that the Secretary inform the House thereof.

The President laid before the Senate the following communication from the Superintendent of common schools:

OFFICE OF SUPERINTENDENT OF PUBLIC INSTRUCTION, }  
Indianapolis, January 19, 1853. }

HON. A. P. WILLARD,

*President of the Senate:*

In accordance with law I have the honor of laying on the desks of Senators, my annual report as Superintendent of Public Instruction.

Respectfully,

W. C. LARRABEE.

Mr. Slater moved to lay the report on the table and print 2,500 copies for the use of the Senate.

Mr. Witherow moved to amend by inserting 5000 copies.

Mr. Black moved to amend by inserting 10,000 copies.

And the question being on the amendment of Mr. Black,  
It was agreed to.

On motion by Mr. Spann,

Leave of absence was granted the committee on Benevolent institutions for this afternoon,

On motion by Mr. Spann,

Leave of absence was granted Mr. Morrison.

Mr. Hendry moved to print one thousand copies of the report of the Superintendent of common schools in the German language.

Mr. Slater moved to amend by inserting three thousand copies.

Mr. Wilson of Harrison moved to amend by adding three thousand copies in the French language.

And the question being on the adoption of the amendment of Mr. Wilson of Harrison,

The ayes and noes were demanded by Messrs. Wilson of Harrison and Humphreys.

*Those who voted in the affirmative were,*

Messrs. Edsall, Edwards, Griggs, Hendry, Horton, Simpson and Williams—7.

*Those who voted in the negative were,*

Messrs. Adams, Anthony, Barnett, Barton, Black, Brookshire, Brown, Butler, Combs, Cox, Cutshaw, Gibson, Glazebrook, Great-house, Gordon, Harris, Hawthorn, Helm, Hosbrook, Humphreys,

Jackson of Tipton, Jackson of Madison, Meeker, Odell, Powell, Reynolds, Richardson, Roberts, Shallenberger, Shook, Slater, Sullivan, Vandeventer, Wilson of Harrison, Wilson of Jay and Withe-  
row—36.

So the amendment was lost.

Mr. Wilson of Harrison moved to amend by adding three thousand copies in the Irish language;

Which was decided in the negative.

The question then recurring on the amendment of Mr. Slater, It was decided in the affirmative.

On motion by Mr. Brown,

The Senate adjourned until 2 o'clock, P. M.

2 o'clock, P. M.

The Senate assembled.

The following message from the House of Representatives was taken up.

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House has appointed Messrs. Chapin and Hooper a joint committee on Enrolled Bills.

The President appointed Mr. Odell to act with Mr. Glazebrook heretofore appointed, on the part of the Senate, on the joint committee on Enrolled Bills.

Also, the following message was received from the House of Representatives, by Mr. Bowes, their Clerk:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House has passed the following joint resolution:

No. 3. A joint resolution relative to granting public lands to actual settlers.

In which the concurrence of the Senate is respectfully requested.

Joint resolution of the House, No. 3, contained in the message was read the first time, and ordered to a second reading.

By unanimous consent,

Mr. Gibson introduced bill

No. 14. A bill to prevent the forfeiture of the charter of mining or manufacturing companies within this State on account of irregu-

larities in the time and place of meeting of stockholders or directors, or in the election of officers, or for having subscribed stock in, or made loans to any other incorporated company in this State.

Which was read a first time and passed to a second reading.

On motion by Mr. Wilson,

The Senate adjourned until to-morrow morning 9 o'clock.

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THURSDAY MORNING 9 o'clock, }  
January 20, 1853. }

The Senate assembled.

The Journal of the preceding day was read.

#### RESOLUTIONS OF THE SENATE.

Mr. Helm, submitted the following resolution :

*Resolved*, That the committee on County and Township Business be instructed to inquire into the expediency of so amending the 64th section of the present assessment law, so that there shall be but one assessor for each county.

No quorum voting on the adoption of the resolution,

On motion by Mr. Spann,

A call of the Senate was ordered.

When the following Senators answered to their names :

Messrs. Adams, Anthony, Black, Brookshire, Brown, Butler, Combs, Cox, Cutshaw, Edsall, Edwards, Glazebrook, Greathouse, Griggs, Gordon, Hall, Harris, Hawthorn, Helm, Hendry, Horton, Hosbrook, Humphreys, Jackson of Madison, Jackson of Tipton, Knightly, Meeker, Morrison, Powell, Reynolds, Richardson, Roberts, Shallenberger, Shields, Shook, Slater, Spann, Sullivan, Vandeventer, Williams, Wilson of Jay, and Witherow—42.

On motion by Mr. Black,

The further call was suspended.

Mr. Humphreys moved to amend the resolution by changing its reference to the committee on Finance.

Which was agreed to.

The resolution as amended was then adopted.

On motion by Mr. Hendry.

*Resolved*, That so much of the Governor's message as relates to the three per cent. fund, be referred to the committee on federal relations, and that they be instructed to report the amount due from the General Government, and the reason why the same is withheld.

On motion by Mr. Edwards,

*Resolved*, That the select committee appointed to investigate the facts in relation to the Fischli estate, have power to send for persons and papers.

On motion by Mr. Jackson of Madison,

*Resolved*, That the committee on Banks be instructed to inquire into the expediency of prohibiting the circulation of any bank paper of other States of a less denomination than five dollars, and report by bill or otherwise.

On motion by Mr. Edsall,

*Resolved*, That the committee on public printing inquire into the expediency of authorizing the Governor to have provided for distribution among the members of the General Assembly, the annual reports of the officers of State, and the annual report of the benevolent institutions, for the year 1853-'54, and report by bill or otherwise.

Mr. Barnett submitted the following resolution:

*Resolved*, That the committee on Finance be instructed to inquire into the expediency of so amending the revenue laws, that the tax assessed on bonds deposited with the Auditor of State for banking purposes, be distributed to the several counties of the State equally, and report by bill or otherwise.

Which was adopted.

Mr. Roberts introduced

Bill No. 15. A bill extending the admisibility of records in evidence.

Which was read a first time and passed to a second reading.

#### ORDERS OF THE DAY.

#### *Bills on second reading.*

Senate bill No 12. A bill to authorize foreign guardians to sell real estate of their wards in this State.

Was read a second time,

When,

Mr Sullivan submitted the following amendment:

Amend the second section "so as that any foreign guardian shall

report his proceedings to the court of common pleas in the county in which said real estate may be located."

Which was not adopted.

The bill was then ordered to be engrossed.

Senate bill No. 13. A bill to amend an act entitled "an act to authorize the formation of voluntary association," approved May 13, 1852,

Was read a second time and ordered to be engrossed.

Senate bill No. 14. An act to prevent the forfeiture of the charters of mining or manufacturing companies within this State, on account of irregularities in the time and place of meeting of stockholders or directors, or in the election of officers, or for having subscribed stock in, or made loans to any other incorporated company in this State.

Was read a second time and ordered to be engrossed.

House joint resolution No. 3. A joint resolution relative to granting public lands to actual settlers.

Was read a second time, and ordered to a third reading.

The following message from the House of Representatives was taken up:

**MR. PRESIDENT:**

I am directed by the House of Representatives to inform the Senate that the House have passed the following bill:

No. 12. A bill to legalize certain State, Wabash and Erie Canal certificates; also bill

No. 11. A bill to authorize two or more railroad companies to assume a common name, and to sue and be sued, contract and be contracted with, and prosecute their business under such common name.

In which the concurrence of the Senate is respectfully requested.

House bills Nos. 11 and 12 contained in the message were read the first time and ordered to a second reading.

Also, the following message from the House of Representatives was taken up:

**MR. PRESIDENT:**

I am directed by the House of Representatives to inform the Senate that the House has passed the following joint resolution:

No. 8. A joint resolution to instruct our Senators and request our Representatives to procure the passage of a law by Congress to grant lands to actual settlers.

In which the concurrence of the Senate is respectfully requested.

Joint resolution No. 8, contained in the foregoing message was read the first time and ordered to a second reading.

Also, the following message from the House of Representatives was taken up:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House has passed the following joint resolution thereof:

No. 9. A joint resolution relative to constructive mileage.

In which the concurrence of the Senate is respectfully requested.

Joint resolution No. 9, contained in the message was read the first time and ordered to a second reading.

Also, the following message from the House of Representatives was taken up:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate, that the House has passed the following joint resolution thereof:

No. 5. A joint resolution in reference to the soldiers of the war of 1812 and their heirs.

In which the concurrence of the Senate is respectfully requested.

Joint resolution No. 5, contained in the message was read the first time and ordered to a second reading.

On motion by Mr. Odell,

*Resolved*, That the committee on Benevolent Institutions of the State, inquire into the expediency of replenishing the Libraries of the Hospital for the Insane, and report by bill or otherwise.

Mr. Jackson of Tipton submitted the following preamble and resolution:

**WHEREAS**, A large number of citizens of the Miami Reserve are the owners of land now known as swamp land, said lands having been purchased since the act of Congress donating said lands to the State and before the return of the surveyor of said swamp lands, consequently they were required to pay two dollars per acre, that being the price of those lands in the Reserve; therefore,  
*Resolved*, That the committee on swamp lands be instructed to inquire into the expediency of equalizing the price of the swamp land.

Which resolution was adopted.

On motion by Mr. Humphreys,

Leave of absence was granted Mr. Gant on account of sickness.

#### REPORTS FROM COMMITTEES.

By Mr. Witherow from the committee on the Judiciary:

MR. PRESIDENT:

The committee on the Judiciary to whom was referred Senate bill No. 11, a bill to do justice to purchasers of school lands, and to enable county auditors to correct errors in the sale of the same, have had the same under consideration, and directed me to report the following amendments, upon the adoption of which, they recommend its passage.

First. Strike out from the enacting clause and insert:

When any officer authorized to sell school lands shall have sold any lands without title thereto, such officer or his successor in office, may convey such other lands of equal value, as may be agreed upon between such officer and such purchaser, or failing to make such agreement the purchase money with interest shall be repaid to such purchaser.

Second. Amend the title by striking out and inserting:

An act to correct errors in the sale of school lands.

Which report was concurred in,

The amendment adopted and the bill ordered to be engrossed.

By Mr. Cox, from the committee on the Judiciary:

MR. PRESIDENT:

The committee on the Judiciary to whom was referred a resolution of the Senate directing an inquiry into the expediency of so amending the law in relation to the duties of grand jurors by making it imperative at their semi-annual sessions, to examine into the condition of the offices of county clerk, recorder, auditor and treasurer in each county, and report on the same in open court, to the judge thereof at each term, have had the same under consideration and directed me to report, that in their opinion it is inexpedient to legislate on that subject, and the committee ask to be discharged from the further consideration thereof.

Which report was concurred in by the Senate.

On motion by Mr. Anthony,

Joint resolution of the Senate, No. 1, a joint resolution in relation to the harbor at Michigan City;

Was taken up and read a third time.

The question being on the passage of the joint resolution,

*Those who voted in the affirmative were,*

Messrs. Adams, Anthony, Barnett, Barton, Black, Brookshire, Brown, Butler, Combs, Cox, Cutshaw, Edsall, Edwards, Gibson, Glazebrook, Greathouse, Griggs, Gordon, Hall, Harris, Hawthorn,

Helm, Hendry, Horton, Humphreys, Jackson of Madison, Jackson of Tipton, Kightley, Meeker, Morrison, Odell, Powell, Reynolds, Richardson, Roberts, Shallenberger, Shook, Simpson, Slater, Sullivan, Vandeventer, Williams, Wilson of Harrison, Wilson of Jay and Witherow—44.

*Those who voted in the negative were,*

Messrs. Spann and Shields—2.

So the joint resolution was passed.

Ordered that the Secretary inform the House thereof.

On motion by Mr. Adams,

The Senate adjourned until 2 o'clock, P. M.

2 o'clock, P. M.

The Senate assembled.

The hour having arrived, according to previous order the Senate went into committee of the whole, on Senate bill No. 4, Mr. Humphreys in the chair, a bill to amend the 1st section of an act entitled an act concerning interest on money, approved May 27, 1852, and by such amendment to authorize the taking of interest at a rate not exceeding ten per cent. per annum, where the same is agreed for in writing.

After having spent some time in the consideration thereof, the committee arose and submitted the following report, by their chairman, Mr. Humphreys:

MR. PRESIDENT:

The committee of the whole to whom was referred Senate bill No. 4, a bill to amend the 1st section of an act entitled an act concerning interest on money, approved May 27, 1852, have had the same under consideration, and have directed me to report the same back without amendment, and ask to be discharged from the further consideration of the bill.

The report was concurred in, and the committee discharged.

The question then recurring on the engrossment of the bill,

The ayes and noes were demanded by Senators Gibson and Edwards.

*Those who voted in the affirmative were,*

Messrs. Anthony, Barnett, Black, Brown, Edsall, Gibson, Gordon, Hall, Harris, Hendry, Jackson of Madison, Morrison, Odell, Powell, Reynolds, Richardson, Spann and Williams—18.

*Those who voted in the negative were,*

Messrs. Adams, Barton, Brookshire, Butler, Combs, Cox, Cutshaw, Edwards, Glazebrook, Greathouse, Griggs, Hawthorn, Helm, Horton, Hosbrook, Humphreys, Jackson of Tipton, Kightley, Meeker, Roberts, Shallenberger, Shields, Shook, Simpson, Slater, Sullivan, Vandeventer, Wilson of Harrison and Witherow—29.

So the bill was not ordered to be engrossed.

By unanimous consent,

Mr. Humphreys introduced

No. 16. A bill prohibiting the Auditor and Secretary of State from receiving and filing any more applications for banks until otherwise directed by law.

Which was read a first time and passed to a second reading.

By unanimous consent Mr. Hosbrook introduced,

No. 17. A bill to amend an act entitled an act regulating the duties and election of State Librarian, approved May 27, 1852.

Which was read a first time and passed to a second reading.

Leave being granted, Mr. Gibson chairman of the Judiciary committee made the following report:

**MR. PRESIDENT:**

The Judiciary committee who were directed to inquire into the expediency of requiring railroad companies to fence in their roads have had that subject under consideration, and have directed me to report that in the present condition of things they deem the same inexpedient. They conceive however, that further protection of the rights of the citizens in case of the destruction of stock is necessary, and have directed me to report the following bill and recommend its passage.

No. 18. A bill to provide compensation to the owners of animals killed or injured by the cars, locomotive or other carriages of any railroad company in this State.

Which was read a first time and passed to its second reading.

The President laid before the Senate the following communications from the clerk and judges of the Supreme court:

CLERK'S OFFICE SUPREME COURT. }  
 Indianapolis, January 18, 1853. }

HON. A. P. WILLARD,

*President of the Senate:*

SIR:—I am in receipt of a resolution of the Senate, passed January 8th, requesting the clerk of the Supreme court, to inform the Senate what number of cases remained undisposed of on the docket of said court on the 31st day of December last past, what number at said time was under submission, and the number in the hands of each judge respectively. In obedience thereto, I have the honor to submit the following report:

Whole number of cases on the docket at said date was.....	629
Number under submission.....	374
Number in the hands of Judge Blackford.....	154
In the hands of Judge Perkins.....	89
In the hands of Judge Smith.....	131

Yours very respectfully,

WM. B. BEACH,

*Clerk of Supreme Court.*

JUDGES' CHAMBERS, }  
 JANUARY 19, 1853. }

HON. A. P. WILLARD,

*President of the Senate:*

SIR—In answer to the last clause of the resolution of the Senate of the 8th inst., requesting the judges to inform the Senate what length of time will be required to dispose of the cases now on the docket, the undersigned would respectfully state, that the number of cases on the docket on the 31st ult., appears from the report of the clerk of the supreme court, herewith transmitted. They are informed that since then over twenty new cases have been docketed, making at this time about six hundred and fifty cases.

Many of these cases are voluminous and intricate and will require much time and labor.

The undersigned are of opinion that it will take, at least, two years to dispose of the present docket. Cases can now no longer be summarily dispatched by the brief formula of "reversed" or "affirmed." The new constitution requiring the judges to give a statement in writing of each question arising in the records of such case and the decision of the court thereon; and the further provision for the act of a reporter, etc., requiring the opinions of the court given in each case to be published in full and in manner and form as the said

opinions were delivered by the judges, impose a very great additional labor and responsibility on the court. This must be attended with a corresponding care and consequent delay, so that four judges can scarcely decide as many cases now as three did before.

In speaking of the additional labor imposed on the judges by the new constitution, the undersigned would not be understood as objecting to that provision. On the contrary, they think its operation will be eminently beneficial to the bar and to the public. But it will cost more—more time, more labor, more money to carry out that policy efficiently.

Two years are specified to clear the docket. But this is on the supposition that the judges will be enabled to devote their whole time and energy to judicial duties.

Very respectfully,

Your obedient servants,

W. Z. STUART,  
ANDREW DAVIDSON.  
A. L. ROACHE,  
S. E. PERKINS.

On motion by Mr. Gibson,

The above communications were referred to the committee on the Organization of Courts, with instructions to inquire whether any remedy can be provided for the delay.

On motion by Mr. Spann,

The Senate adjourned.

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FRIDAY MORNING, 8 o'clock, }  
January 21st, 1853. }

The Senate assembled.

The Journal of the preceding day was read.

#### RESOLUTIONS INTRODUCED.

On motion by Mr. Meeker,

*Resolved*, That the committee on Agriculture be requested to inquire into the expediency of making it the duty of assessors of each county to take down the number of all living stock, and also, the

number of bushels of grain every year, and report by bill or otherwise.

On motion by Mr. Helm,

*Resolved*, That the committee on the Judiciary be instructed to inquire into the expediency of so amending the present law of descents, that the widow instead of holding the portion of real estate that she is now entitled to in fee simple, that she be allowed, whether her husband died testate or intestate, the use of one half of all the real estate of which her husband died possessed of, to hold and enjoy the same during her lifetime.

On motion by Mr. Hawthorn,

*Resolved*, That that portion of the Governor's message that relates to the 190,000 acres of swamp lands in the Vincennes land district be referred to the committee on Swamp Lands, and that they inquire into the propriety of reporting some plan to perfect the title to the State.

On motion by Mr. Jackson of Madison,

*Resolved*, That the committee on Education be instructed to inquire into the expediency of so amending the school law, as to have an enumeration of the children between the ages of five and twenty-one years, taken in each school district, in the month of February next, to distribute the school fund in March next, and to report by bill or otherwise.

#### ORDERS OF THE DAY.

#### *Senate Bills on Second Reading.*

No. 15. A bill extending the admisibility of records in evidence. Was read a second time; and,

On motion by Mr. Butler,

The bill was referred to the Judiciary committee.

No. 16. A bill prohibiting the Auditor and Secretary of State from receiving and filing any more applications for banks, until otherwise directed by law.

Which was read a second time; and

On motion by Mr. Odell,

The bill was referred to the committee on Banks.

No. 17. A bill to amend an act entitled "an act regulating the duties, and election of State Librarian," approved May 27, 1852, Was read a second time and ordered to be engrossed.

No. 18. A bill to provide compensation to the owners of animals killed or injured by the cars, locomotive, or other carriages of any railroad company in this State,

Was read a second time.

Mr. Combs moved to refer the bill to the committee on Canals and Internal Improvements.

Which was decided in the negative.

The bill was then ordered to be engrossed.

#### HOUSE BILLS AND JOINT RESOLUTIONS ON SECOND READING.

No. 11. A bill to authorize two or more railroad companies to assume a common name, and to sue and be sued, contract and be contracted with, and prosecute their business under such name.

Was read a second time,

When,

On motion by Mr. Adams,

The bill was referred to the committee on Corporations.

No. 12. A bill to legalize certain State, Wabash and Erie Canal certificates.

Was read a second time, and ordered to a third reading.

No. 5. A joint resolution in reference to the soldiers of the war of 1812, and their heirs,

Was read a second time; and,

On motion by Mr. Butler,

Referred to the committee on Federal Relations.

No. 8. A joint resolution to instruct our Senators and request our Representatives to procure the passage of a law by Congress to grant lands to actual settlers,

Was read a second time, and ordered to a third reading.

No. 9. A joint resolution relative to "constructive mileage,"

Was read a second time; and

On motion by Mr. Humphreys,

The joint resolution was referred to the committee on Federal Relations.

#### BILLS ON THIRD READING.

Senate bill No. 11. A bill to correct errors in the sale of school lands,

Was read a third time; and,

The question being on the passage of the bill,

*Those who voted in the affirmative were,*

Messrs. Adams, Barnett, Barton, Black, Brookshire, Brown, Combs, Cox, Cutshaw, Edsall, Edwards, Gant, Gibson, Glazebrook, Griggs, Gordon, Hall, Harris, Hawthorn, Hendry, Horton, Humphreys, Jackson of Madison, Jackson of Tipton, Kightley, Meeker, Morri-

son, Odell, Powell, Reynolds, Roberts, Shallenberger, Shields, Shook Simpson, Slater, Sullivan, Vandeventer, Williams and Witherow—39.

Messrs. Butler and Wilson of Harrison voted in the negative.

So the bill passed.

Ordered that the Secretary inform the House thereof.

Senate bill No. 12. A bill to authorize foreign guardians to sell real estate of their wards in this State,

Was read a third time; and

The question being on the passage of the bill,

*Those who voted in the affirmative were,*

Messrs. Adams, Barton, Black, Brookshire, Brown, Combs, Cox, Cutshaw, Edsall, Gibson, Glazebrook, Greathouse, Griggs, Gordon, Hall, Harris, Hawthorn, Helm, Hendry, Humphreys, Jackson of Madison, Jackson of Tipton, Kightley, Meeker, Odell, Powell, Reynolds, Richardson, Roberts, Shallenberger, Shields, Shook, Simpson, Slater, Sullivan, Vandeventer and Witherow—37.

*Those who voted in the negative were,*

Messrs. Barnett, Butler, Edwards, Horton, Morrison, Williams and Wilson of Harrison—7.

So the bill passed.

Ordered that the Secretary inform the House thereof.

Senate bill No. 13. A bill to amend an act entitled "an act to authorize the formation of voluntary associations, approved May 13th, 1852,

Was read a third time.

And the question being on the passage of the bill.

*Those who voted in the affirmative were,*

Messrs. Adams, Barnett, Barton, Black, Brookshire, Brown, Butler, Combs, Cox, Cutshaw, Edwards, Gibson, Glazebrook, Greathouse, Griggs, Gordon, Hall, Harris, Hawthorn, Helm, Hendry, Horton, Humphreys, Jackson of Madison, Jackson of Tipton, Kightley, Meeker, Morrison, Powell, Reynolds, Richardson, Roberts, Shallenberger, Shields, Shook, Simpson, Slater, Vandeventer, Williams Wilson of Harrison and Witherow—42.

No Senator voted in the negative.

So the bill passed.

Ordered that the Secretary inform the House thereof.

Senate bill No. 14. A bill to prevent the forfeiture of the charters of mining and manufacturing companies within this State on account of irregularities in the time and place of meeting of stockholders, or directors, or in the election of officers, or of having subscribed stock in, or made loans to, any other incorporated company in this State.

Was read a third time.

The question being on the passage of the bill,

*Those who voted in the affirmative were,*

Messrs. Adams, Anthony, Barnett, Barton, Black, Brookshire, Brown, Combs, Cox, Cutshaw, Edsall, Edwards, Gibson, Glazebrook, Greathouse, Griggs, Gordon, Harris, Hawthorn, Helm, Hendry, Horton, Humphreys, Jackson of Madison, Jackson of Tipton, Kightley, Meeker, Morrison, Odell, Powell, Reynolds, Richardson, Roberts, Shallenberger, Shook, Simpson, Slater, Vandeventer, Williams, Wilson of Harrison, and Witherow—42.

Messrs. Butler and Shields voted in the negative.

So the bill passed.

Ordered that the Secretary inform the House thereof.

House joint resolution No. 3. A joint resolution relative to granting public lands to actual settlers,

Was read a third time, and,

On motion by Mr. Wilson of Harrison,

Laid on the table.

The following message from the House of Representatives was taken up;

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate, that the House has passed the following engrossed bill thereof:

No. 9. A bill to authorize the Treasurer of State to furnish the Agent of State with funds for the payment of interest on the public debt.

In which the concurrence of the Senate is respectfully requested.

Bill No. 9, contained in the foregoing message, was read a first time and ordered to a second reading.

Also, the following message from the House of Representatives was taken up:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate, that the House has passed the following engrossed Senate bill:

No. 5. A bill to create the 11th judicial circuit, and to fix the time of holding courts therein.

With several amendments.

In which the concurrence of the Senate is respectfully requested.

Mr. Anthony moved that the Senate concur in the engrossed amendments of the House to Senate bill No. 5, contained in the message.

The ayes and noes being demanded by Senators Butler and Jackson of Madison,

*Those who voted in the affirmative were,*

Messrs. Adams, Anthony, Barnett, Barton, Black, Brookshire, Brown, Butler, Combs, Cox, Cutshaw, Edwards, Gibson, Glazebrook, Greathouse, Griggs, Gordon, Hall, Harris, Helm, Hendry, Horton, Humphreys, Jackson of Madison, Jackson of Tipton, Kightley, Meeker, Morrison, Odell, Powell, Reynolds, Richardson, Roberts, Shallenberger, Shields, Simpson, Vandeventer, Williams, Wilson of Harrison and Witherow—40.

*Those who voted in the negative were,*

Messrs. Edsall, Hawthorn, Shook and Slater—4.

So the Senate concurred.

Ordered, that the Secretary inform the House thereof.

Leave being granted Mr. Gibson submitted the following resolution:

*Resolved*, The House concurring, that the General Assembly will on Saturday the 22d of January, inst., at 10 o'clock. A. M., proceed to the election of an Agent of State.

Which was adopted.

Leave being granted, Mr. Humphreys, chairman of the committee on Banks, submitted the following report:

MR. PRESIDENT:

The committee on Banks to whom was referred Senate bill No. 16, an act prohibiting the Auditor and Secretary of State from receiving and filing any more applications for banks, until otherwise directed by law, have had the same under consideration, and a ma-

majority of them have directed me to report the same back without amendment and recommend its passage.

Which report was concurred in, and the bill ordered to be engrossed.

Mr. Williams submitted the following resolution :

*Resolved*, That the committee on the Judiciary be instructed to inquire into the expediency of abolishing the act for the settlement of decedents' estates, approved June 17, 1852, and to re-enact the laws in force on that subject in this State, before the passage of said act, with such amendments that may make them applicable to the courts as now organized.

Which was adopted.

Mr. Hendry submitted the following resolution :

*Resolved*, That the committee on the Organization of Courts be instructed to inquire what changes in the times of holding circuit courts are necessary in the 10th and other circuits, owing to the formation of the 11th circuit, and that they report by bill or otherwise.

Which was adopted.

Mr. Shook submitted the following resolution :

*Resolved*, That the committee on the Organization of Courts are hereby directed to inquire into the expediency of reducing the number of common pleas districts, and to increase the salary of the judges thereof.

Which was adopted.

The following message was received from the House of Representatives by Mr. Bowes their Clerk :

**MR. PRESIDENT:**

I am directed by the House to bring to the Senate, House joint resolution No 6, a joint resolution in reference to obtaining permission of the State of Illinois to open the falls of, and straighten the channel of the Kankakee river above said falls;

For the signature of the President of the Senate.

Whereupon the President affixed his signature thereto.

Ordered that the Secretary inform the House thereof.

On motion by Mr. Horton

The Senate adjourned until 2 o'clock, P. M.

2 O'CLOCK, P. M.

The Senate assembled.

Mr. Cox, chairman of the committee on Enrolled Bills made the following report:

MR. PRESIDENT:

The committee on Enrolled Bills have compared the enrolled bill with the engrossed copy of bill No. 5, a bill to create the 11th judicial circuit, to fix the time of holding courts therein, and to transfer the county of Jasper to the 9th judicial circuit, and find the same correctly enrolled.

The President laid before the Senate the following communication and the report of James S. Hester.

INDIANAPOLIS, IND.

HON. A. P. WILLARD,

*President of the General Assembly  
of the State of Indiana:*

Please lay the accompanying report before the honorable body over which you have the honor to preside.

Respectfully,

JAMES S. HESTER

Which repor was,

On motion by Mr. Gibson,

Laid on the table and 150 copies order to be printed.

Mr. Sullivan presented the communication of J. W. Cummins in reference to the three per cent. fund.

Which

On motion by Mr. Sullivan,

Was referred to a select joint committee of three from each House, and Messrs. Sullivan, Powell and Butler were appointed on the part of the Senate.

The President laid before the Senate the following communication from his Excellency, the Governor:

EXECUTIVE DEPARTMENT, }  
January 21st, 1853. }

HON. A. P. WILLARD,

*President of the Senate:*

SIR:—You will please lay the within communication before the Senate.

Respectfully yours, &c.,

JOSEPH A. WRIGHT.

EXECUTIVE DEPARTMENT, {  
January 21st, 1853. }

*To the Senate :*

Francis King my private Secretary is authorized to make communications from the Executive Department to the Senate, during the present session.

JOSEPH A. WRIGHT.

Mr. Edsall submitted the following resolution :

*Resolved*, That a select committee of eleven, to consist of one member from each congressional district, be appointed, whose duty it shall be to inquire into, and ascertain what amendments, if any, are necessary to the act entitled "an act to authorize and regulate general banking," so as to perfect the system of general banking, and to protect the interest of the citizens of this State.

Which was adopted.

By unanimous consent of the Senate,

Mr. Shields introduced

No. 19. A bill for the regulation of telegraph companies.

Which was read a first time and passed to a second reading.

Mr. Edsall presented the memorial of sundry citizens of Adams county on the subject of temperance.

Which,

On motion by Mr. Edsall,

Was referred to the committee on Temperance.

Mr. Gibson submitted the following resolution :

*Resolved*, That the committee on corporations be instructed to inquire into the expediency of prohibiting by law the election of officers or directors of railroad companies, persons not resident of this State.

Which was adopted.

On motion by Mr. Black,

The Senate adjourned until to-morrow morning 9 o'clock.

SATURDAY MORNING, 9 o'clock, {  
January 22, 1853. }

The Senate assembled.

The journal of the preceding day was read.

The President announced the following select committee of one

from each congressional district to examine into the banking law in accordance with a resolution of the Senate, introduced by Mr. Edsall.

10th district, Mr. Edsall; 1st district, Mr. Greathouse; 2nd district, Mr. Wilson of Harrison; 3d district, Mr. Adams; 4th district Mr. Slater; 5th district, Mr. Butler; 6th district, Mr. Brown; 7th district, Mr. Humphreys; 8th district, Mr. Gordon; 9th district, Mr. Odell; 11th district, Mr. Jackson of Madison.

#### REPORTS FROM COMMITTEES.

By Mr. Gibson, chairman of the Judiciary committee:

MR. PRESIDENT:

The committee on the Judiciary, to whom was referred Senate bill No. 15, a bill extending the admisibility of records in evidence have had the same under consideration, and have directed me to report that they recommend the following amendment, and when so amended recommend the passage of the bill:

Add the following section:

SEC. 5. Wherever, previous to the 1st of January, 1820, any deed, power of attorney, or other instrument in writing, affecting the title to land, has been recorded in any other State, a certified or proved copy of such record may be read in evidence in the courts of this State with the same effect as if such deed, power of attorney or other instrument had been duly recorded in this State in the proper county.

Which report was concurred in, the amendment adopted, and the bill ordered to be engrossed.

By Mr. Harris, from the Judiciary committee:

MR. PRESIDENT:

The Judiciary committee to whom was referred the resolution of the Senate, instructing them to inquire into the expediency of so amending the present law of descents, that the widow instead of taking one-third of the decedents real estate in fee shall take one-half for life, have instructed me to report that the amendment proposed is inexpedient, it being their opinion that the one-third in fee will prove more beneficial to the widow, and not more onerous to the heir or devisee than the proposed one-half for life.

The report was concurred in.

By Mr. Anthony, from the Judiciary committee:

**MR. PRESIDENT:**

The committee on the Judiciary to whom was referred a resolution of the Senate instructing said committee to inquire into the expediency of abolishing the act for the settlement of decedent's estates, approved June 7, 1852, and to re-enact the laws in force on that subject in this State, before the passage of said act with amendments, that may make them applicable to the courts as now organized, have had the subject under consideration and instructed me to report that a change so radical would be inexpedient.

Which report was concurred in.

By Mr. Richardson, chairman of the committee on Corporations:

**MR. PRESIDENT:**

The committee on Corporations, to whom was referred House bill No. 11, "a bill to authorize railroad companies to assume a common name, and to sue and be sued, contract and be contracted with, and to prosecute their business under such common name," have had the same under consideration, and I am directed to report the bill back, and recommend its passage.

Which report was concurred in.

And the bill ordered to be engrossed.

By Mr. Kightly, chairman of the committee on Roads:

**MR. PRESIDENT:**

The committee on Roads to whom was referred a resolution instructing said committee, to inquire into the expediency of so amending the 24th, 31st and 32d sections of chapter 48, of the Revised Statutes of 1852, that a proposed highway when reported to be of public utility, may be opened notwithstanding objections made by freeholders residing along the same, have had the same under consideration, and instructed me to report the following bill and recommend its passage.

No. 20. A bill to amend section 24 and 31 of an act entitled, "an act to provide for the opening, vacating and change of highways," approved June 17, 1852.

Which bill was read the first time and passed to a second reading.

By Mr. Kightley, chairman of the committee on Roads:

**MR. PRESIDENT:**

The committee to whom was referred the petition of sundry citi-

zens of Adams, Wells and Allen counties, in reference to a county Road, have had the same under consideration, and have directed me to report, that in their opinion it is inexpedient to legislate upon that subject, and would ask to be excused from its further consideration.

Which was concurred in.

By Mr. Kightley, chairman of the committee on Roads:

**MR. PRESIDENT:**

The committee on Roads to whom was referred that part of the Governor's message, that relates to the three per cent. fund, have instructed me to report that inasmuch as that part of the message has been referred to the committee on Federal Relations, they ask to be released from its further consideration.

Which was concurred in.

By Mr. Horton, chairman of the committee on County and Township Business:

**MR. PRESIDENT:**

The committee on County and Township Business to whom was referred a resolution requesting them to report a bill providing for a uniform system for establishing county lines and locating permanently the corners of the same, have had the resolution under consideration, and have instructed me to report the following bill.

No. 21. A bill providing a uniform system for establishing county lines and locating permanently the corners thereof;

Which bill was read the first time and passed to a second reading.

#### RESOLUTIONS INTRODUCED.

On motion by Mr. Gibson,

*Resolved*, That the doorkeeper be directed to procure two new stoves for the clerk's and doorkeeper's rooms of the Senate.

On motion by Mr. Sullivan,

Leave of absence was granted Mr. Powell until Wednesday next.

Mr. Edwards submitted the following resolution:

*Resolved*, That the committee on the Judiciary be, and the same is hereby instructed to report a bill without unnecessary delay, repealing the act regulating descents, and the apportionment of estates, approved May 14, 1852, and to provide for reviving the act (so far as may be practicable and just), of estates in dower, as contained in chapter 28 of the Revised Statutes of 1843.

Mr. Odell moved to amend the resolution so as to make it one of inquiry ;

Which was decided in the negative.

The question being, on the adoption of the resolution.

The ayes and noes were demanded by Senators Edwards and Shook.

*Those who voted in the affirmative were.*

Messrs. Adams, Barton, Combs, Edwards, Glazebrook, Greathouse, Griggs, Helm, Humphreys, Jackson of Tipton, Kightley, Meeker, Morrison, Roberts, Shook, Sullivan, Williams and Witherow—18.

*Those who voted in the negative were,*

Messrs. Anthony, Barnett, Black, Brookshire, Brown, Butler, Cox, Cutshaw, Edsall, Gibson, Gordon, Hall, Harris, Hawthorn, Hendry, Horton, Jackson of Madison, Odell, Reynolds, Richardson, Shallenberger, Shields, Simpson, Slater and Vandeventer—25.

So the resolution was not adopted.

#### BILLS INTRODUCED.

By Mr. Meeker:

No. 22. A bill to amend an act entitled "an act to incorporate the Junction Railroad Company," which became a law on the 15th day of February, 1848 ;

Which was read the first time and passed to a second reading.

By Mr. Sullivan:

No. 23. A bill to amend an act entitled "an act to incorporate the Madison and Cross-plains Plank Road Company," approved February 13, 1851 ;

Which was read the first time and passed to a second reading.

Leave being granted,

Mr. Odell presented the memorial of the Sons of Temperance ;

Which,

On motion by Mr. Odell,

Was referred to the committee on Temperance.

#### ORDERS OF THE DAY.

*Bills on Second Reading.*

Senate bill No. 19, a bill for the better regulation of telegraph companies,

Was read a second time; and,  
 On motion by Mr. Gibson,  
 Referred to the Judiciary committee.

House bill No. 9, a bill to authorize the Treasurer of State to furnish the Agent of State with funds for the payment of interest on the public debt;

Was read a second time and ordered to a third reading.

On motion by Mr. Black,  
 The vote on ordering bill No. 9 to a second reading,  
 Was reconsidered; when,

On motion by Mr. Butler,  
 The bill was referred to the committee on Finance.

#### BILLS ON THIRD READING.

Senate bill No. 16, a bill prohibiting the Auditor and Secretary of State from receiving and filing any more applications for banks, until otherwise directed by law,

Was read a third time.

Mr. Horton moved to lay the bill on the table.

The ayes and noes being demanded by Senators Humphreys and Edwards,

*Those who voted in the affirmative were,*

Messrs. Anthony, Barnett, Brookshire, Brown, Butler, Combs, Cox, Edsall, Edwards, Griggs, Hall, Hawthorn, Helm, Hendry, Horton, Kightley, Meeker, Reynolds, Richardson, Shallenberger, Simpson, Sullivan, and Wilson of Harrison.—23.

*Those who voted in the negative were,*

Messrs. Adams, Black, Cutshaw, Gibson, Glazebrook, Greathouse, Gordon, Harris, Humphreys, Jackson of Madison, Jackson of Tipton, Morrison, Odell, Roberts, Shields, Shook, Slater, Vandeventer, Williams and Witherow—20.

So the bill was laid on the table.

Senate bill No. 17, a bill to amend "an act regulating the duties and election of State Librarian," approved May 27, 1852,

Was read a third time; when

Mr. Butler moved to recommit the bill to the committee on the State Library, with the following instructions:

Amend by striking out the words "and all other persons who have been at any time entitled by law to the use of such library."

Which was agreed to.

Senate bill No. 18, a bill to provide compensation to the owners of animals killed or injured by the cars, locomotives or other carriages of any railroad company in this State,

Was read a third time.

And the question being on the passage of the bill,

*Those who voted in the affirmative were,*

Messrs. Adams, Black, Brown, Butler, Cox, Cutshaw, Edsall, Gibson, Glazebrook, Greathouse, Gordon, Hall, Harris, Hawthorn, Helm, Hendry, Horton, Humphreys, Jackson of Madison, Jackson of Tipton, Kightley, Meeker, Morrison, Odell, Reynolds, Roberts, Shallenberger, Shields, Shook, Simpson, Slater, Williams, Wilson of Harrison, and Witherow—34.

*Those who voted in the negative were,*

Messrs. Brookshire, Combs, and Griggs—3.

So the bill passed.

Ordered, that the Secretary inform the House thereof.

#### HOUSE JOINT RESOLUTION.

No. 8. A joint resolution to instruct our Senators and request our Representatives to procure the passage of a law by Congress to grant lands to actual settlers,

Was read a third time; when

Mr. Wilson of Harrison moved to lay the joint resolution on the table.

Which was decided in the negative.

The question then being on the passage of the joint resolution,

*Those who voted in the affirmative were,*

Messrs. Adams, Black, Brookshire, Butler, Combs, Cox, Cutshaw, Edsall, Gibson, Glazebrook, Greathouse, Griggs, Gordon, Hall, Harris, Hawthorn, Hendry, Humphreys, Jackson of Madison, Jackson of Tipton, Kightley, Meeker, Morrison, Odell, Richardson, Roberts, Shallenberger, Shields, Shook, Simpson, Slater, Sullivan, Vandeventer, Williams, and Witherow—35.

Mr. Wilson of Harrison voted in the negative.

So the joint resolution passed.

Ordered, that the Secretary inform the House thereof.

Mr. Glazebrook, chairman of the joint committee on Enrolled bills, made the following report:

MR. PRESIDENT:

The joint committee on Enrolled bills have this day presented to his Excellency the Governor, Senate Bill No. 5, an act to create the eleventh judicial circuit, and to fix the time of holding circuit courts therein, and to attach Jasper county to the ninth judicial circuit, for his approval and signature.

House bill No. 12, a bill to legalize certain State, Wabash and Erie canal certificates,

Was read a third time.

The question being on the passage of the bill,

*Those who voted in the affirmative were,*

Messrs. Adams, Anthony, Barnett, Brookshire, Brown, Combs, Cox, Cutshaw, Edsall, Gibson, Glazebrook, Greathouse, Gordon, Hall, Harris, Hawthorn, Hendry, Humphreys, Jackson of Madison, Jackson of Tipton, Kightley, Meeker, Odell, Reynolds, Richardson, Roberts, Shallenberger, Shook, Simpson, Vandeventer and Williams—31.

*Those who voted in the negative were,*

Messrs. Butler, Morrison, Shields, Sullivan, Wilson of Harrison, and Witherow—6.

So the bill passed.

Ordered that the Secretary inform the House thereof.

By unanimous consent of the Senate,

Mr. Adams obtained leave and introduced,

No. 25. A bill to amend an act therein mentioned.

Which was read the first time and passed to a second reading.

By unanimous consent of the Senate,

Mr. Gibson obtained leave and introduced

No. 26. A bill to preserve and restore the records of the supreme court.

Which was read the first time and passed to a second reading.

The following message from the House of Representatives was taken up:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate the House has passed the following engrossed bill of the Senate:

No. 6. An act requiring county treasurers to keep their offices in fire proof buildings, where the same have been provided by the county boards.

Without amendment.

Also, the following message from the House of Representatives was taken up:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House has passed the following engrossed bills:

Bill No. 16. An act to amend the 9th section of an act entitled an act to provide for electing electors for President and Vice President of the United States, approved May 20, 1852, changing the time prescribed in said section for the assembling of said electors to cast the electoral vote of the State.

Also, bill No. 17. An act to give livery stable keepers and others engaged in feeding of cattle, horses, hogs, and other live stock a lien upon the same for their services as such being supplemental to an act concerning liens of mechanics, merchants and others, approved May 20, 1852.

In which the concurrence of the Senate is respectfully requested.

Bills Nos. 16 and 17, contained in the message were each read the first time and ordered to a second reading.

Mr. Wilson of Harrison submitted the following resolution:

*Resolved*, That a select committee be appointed whose duty it shall be to report to this Senate, the direct and incidental charges upon the school fund growing out of the office of State Superintendent of Common Schools, and also to inquire into the propriety of abolishing said office.

Which was adopted.

And Messrs. Wilson of Harrison, Humphreys, Meeker, Hawthorn, Glazebrook appointed said committee.

Mr. Brown moved to take from the table Senate bill,

No. 16. A bill to prohibit the Auditor and Treasurer of State from receiving more applications for Banks.

Which was agreed to.

The question being on the passage of the bill.

Mr. Wilson of Harrison moved to lay the bill on the table.

The ayes and noes were demanded by Senators Morrison and Shook.

*Those who voted in the affirmative were,*

Messrs. Anthony, Barnett, Brookshire, Brown, Butler, Combs, Cox, Edsall, Edwards, Griggs, Hall, Hawthorn, Helm, Hendry, Horton, Meeker, Reynolds, Richardson, Roberts, Shallenberger, Simpson, Sullivan and Wilson of Harrison—24.

*Those who voted in the negative were,*

Messrs. Black, Cutshaw, Gibson, Glazebrook, Greathouse, Gordon, Harris, Humphreys, Jackson of Madison, Jackson of Tipton, Morrison, Odell, Shields, Shook, Slater, Vandeventer, Williams and Witherow—18.

So the bill was laid on the table.

Mr. Gibson submitted the following resolution :

*Resolved*, That when the Senate adjourns, it will adjourn to meet on Monday Morning.

Which was adopted.

Mr. Wilson of Harrison submitted the following resolution :

*Resolved*, That the Auditor of State be requested to communicate to the Senate, specifically, the expenditure of the last session of the Legislature, and whether the cost attending the revision was included in his report to the present Legislature.

Mr. Gibson moved the resolution on the table.

The ayes and noes were demanded by Senators Wilson of Harrison and Edwards.

*Those who voted in the affirmative were,*

Messrs. Anthony, Black, Brown, Cutshaw, Edsall, Gibson, Glazebrook, Greathouse, Gordon, Hall, Horton, Humphreys, Jackson of Madison, Reynolds and Slater—15.

*Those who voted in the negative were,*

Messrs. Barnett, Butler, Combs, Combs, Cox, Edwards, Griggs, Harris, Hawthorn, Helm, Hendry, Jackson of Tipton, Meeker, Morrison, Richardson, Shallenberger, Shields, Shook, Simpson, Sullivan, Vandeventer, Williams, Wilson of Harrison and Witherow—23.

So the resolution was not laid on the table.

The question recurring on the adoption of the resolution,

The ayes and noes were demanded by Senators Wilson of Harrison and Humphreys.

*Those who voted in the affirmative were,*

Messrs. Barrett, Butler, Combs Cox, Edwards, Griggs, Hall, Harris, Hawthorn, Helm, Hendry, Jackson of Tipton, Meeker, Morrison, Richardson, Shallenberger, Shields, Shook, Simpson, Sullivan, Vandeventer, Williams Wilson of Harrison and Witherow—24.

*Those who voted in the negative were,*

Messrs. Anthony, Black Brookshire, Brown, Cutshaw, Edsall, Gibson, Glazebrook, Greathouse Gordon, Horton, Humphreys, Jackson of Madison, Odell, Reynolds and Slater—16.

So the resolution was adopted.

Mr. Hawthorn submitted the following resolution :

*Resolved*, That the committee on banks inquire into the propriety of amending the free banking law of last session by restricting them in their issues to a certain specific amount, and that their location be equalized by being proportionate to the wants and trade of the State by congressional districts.

Which was not adopted.

Mr. Hendry submitted the following resolution :

*Resolved*, That the committee on Swamp Lands be instructed to inquire into the expediency of so amending the law on the subject of swamp lands, that the purchase money, or so much thereof as may be necessary for each lot or tract of land sold, shall be appropriated to the draining of the same lot or tract, after deducting its proportionate share of expense for selection.

Which was adopted.

Mr. Simpson submitted the following resolution ;

*Resolved* That the committee on the Judiciary be instructed to inquire into the expediency of providing by law, an adequate compensation for clerks, in receiving and loaning money paid them by administrators on the estates of decedents.

Which was adopted.

The following message was received from his excellency, the Governor, by Mr. King his private secretary :

**MR. PRESIDENT :**

I am directed by the Governor to inform the Senate that he has approved and signed the following bill:

No. 5. An act to create the 11th judicial circuit, and to fix the time of holding circuit courts therein, and to attach Jasper county to the ninth judicial circuit.

Which bill originated in the Senate,

On motion by Mr. Black,

The Senate adjourned until Monday Morning at 9 o'clock.

MONDAY MORNING, 9 o'clock, }  
January 24, 1853. }

The Senate assembled.

The journal of the preceding day was read.

Mr. Hosbrook presented the petition of the lessees of the water power on the Central canal; which,

On motion by Mr. Meeker,

Was referred to the committee on Canals and Internal Improvements.

#### REPORTS FROM COMMITTEES.

By Mr. Gibson, from the committee on the Organization of Courts of Justice:

MR. PRESIDENT:

The committee on the Organization of Courts of Justice to whom was referred the communication of the judges and clerks of the supreme court in relation to the amount of business before said court, with instructions to inquire whether any remedy can be provided for the delay existing in the decision of causes before said court, have had that subject under consideration, and have directed me to report, that in their opinion the addition of one judge to said court would, to some extent, remedy the evil, and that no other remedy can be provided. They recommend the adoption of the following resolution:

*Resolved*, That the committee on the Organization of Courts of Justice be instructed to report a bill providing for an increase of the number of judges of the supreme court to the constitutional limit of five.

Which resolution was concurred in.

The question being upon the adoption of the resolution,

The ayes and noes were demanded by Senators Gibson and Anthony.

*Those who voted in the affirmative were,*

Messrs. Anthony, Barton, Black, Brown, Combs, Cox, Cutshaw, Edsall, Edwards, Gibson, Greathouse, Gordon, Hall, Morrison, Odell, Richardson, Roberts, Shallenberger and Vandeventer—19.

*Those who voted in the negative were,*

Messrs. Brookshire, Butler, Gant, Glazebrook, Griggs, Harris, Hawthorn, Helm, Hendry, Horton, Hosbrook, Humphreys, Jackson of Tipton, Meeker, Reynolds, Shields, Shook, Slater, Williams, Wilson of Harrison and Witherow—21.

So the resolution was not adopted.

By Mr. Edwards, from the committee on the Organization of Courts:

MR. PRESIDENT:

The committee on Organization of Courts to whom was referred resolution of the Senate to inquire into the expediency of reducing the number of common pleas district, and to increase the salary of the judges thereof, have had the same under consideration and directed me to report, that it is inexpedient to legislate upon the subject at this time, and ask to be discharged from the further consideration thereof.

Which report was concurred in.

#### RESOLUTIONS INTRODUCED.

On motion by Mr. Shields,

*Resolved*, That the committee on Finance be instructed to inquire into the expediency of so amending the assessment law as to provide that the township assessors shall meet at the county seat, previous to entering upon their duties, to consult about, and determine as nearly as may be, a uniform mode of assessment.

Mr. Richardson submitted the following preamble and resolution:

WHEREAS, The Union Plank Road Company of La Porte county, have issued a large amount of bills purporting to be bank paper, which paper forms a great share of the circulation of Northern Indiana; AND, WHEREAS, that portion of the State are desirous of knowing the security upon which such issue is based; therefore,

*Be it resolved*, That the Judiciary committee be instructed to inquire by what authority such issue is made—what security there is for the bill-holder, and to report the facts, with their opinion as to the legality of the power exercised by the said company, and what remedy the State has in the premises, at as early a day as may be practicable.

Which was adopted.

On motion by Mr. Brown,

*Resolved*, That the committee on County and Township Business

be instructed to inquire whether there is not a conflict between sec. 10, chap. 98, and sec. 19, chap. 110, of the Revised Statutes, and if so, to report a bill to correct such conflict.

Mr. Glazebrook submitted the following resolution:

*Resolved*, That the committee on Public Expenditures be instructed to inquire into the expediency of reducing the fees of county commissioners; whereas, the present law allows three dollars per day.

Which was not adopted.

#### ORDERS OF THE DAY.

##### *Bills on third reading.*

Senate bill No. 15, a bill extending the admissibility of records in evidence.

Was read a third time,

The question being on the passage of the bill,

*Those who voted in the affirmative were,*

Messrs. Anthony, Black, Brookshire, Brown, Butler, Combs, Cox, Cutshaw, Edsall, Edwards, Gant, Gibson, Glazebrook, Greathouse, Griggs, Gordon, Hall, Harris, Hawthorn, Helm, Horton, Hosbrook, Humphreys, Jackson of Tipton, Meeker, Morrison, Odell, Reynolds, Richardson, Roberts, Shallenberger, Shook, Slater, Vandeventer, Williams and Witherow—36.

Messrs. Hendry, Shields and Wilson of Harrison voted in the negative.

So the bill passed.

Ordered that the Secretary inform the House thereof.

House bill No. 11, a bill to authorize two or more railroad companies to assume a common name, and to sue and to be sued, contract and be contracted with and prosecute their business under such common name.

Was read a third time.

The question being on the passage of the bill,

*Those who voted in the affirmative were,*

Messrs. Anthony, Barton, Black, Brookshire, Brown, Butler, Combs, Cox, Cutshaw, Edsall, Edwards, Gant, Gibson, Glazebrook, Greathouse, Gordon, Hall, Harris, Hawthorn, Helm, Hendry,

Horton, Hosbrook, Humphreys, Jackson of Tipton, Meeker, Morrison, Odell, Reynolds, Richardson, Roberts, Shallenberger, Shields, Shook, Simpson, Vandeventer, Williams, Wilson of Harrison, and Witherow—39.

Mr. Griggs voted in the negative.

So the bill passed.

Ordered that the Secretary inform the House thereof.

#### BILLS ON SECOND READING.

Senate bill No. 24, A bill regulating foreign insurance companies,  
Was read a second time.

When,

M. Harris offered the following amendment to the bill:

Strike out the word 'foreign' in the the title of the act.

Amend the first section so as to read 'all insurance companies doing business in this State, shall pay into the county treasury of the county where any such insurance company may have an agency, five per cent. of all premiums received, in lieu of all other taxes.

Pending which,

On motion by Mr. Vandeventer,

The bill and amendments were referred to the committee on Corporations.

When,

On motion by Mr. Humphreys,

The vote referring the bill and pending amendment to the committee on Corporations was reconsidered,

And Mr. Wilson of Harrison submitted the following amendment:

Amend by striking out all relative to county treasury, and insert State treasury.

The bill and pending amendments were then referred to the committee on corporations.

Senate bill No. 20, a bill to amend sections 24 and 31 of an act entitled "an act to provide for the opening, vacating and change of highways," approved June 17, 1852,

Was read a second time; and,

On motion by Mr. Odell,

Referred to a select committee of three.

Messrs. Odell, Jackson of Madison, and Jackson of Tipton, were appointed said committee.

Senate bill No. 23, a bill to amend an act entitled "an act to incorporate the Madison and Cross Plains plank road company," approved February 13, 1851,

Was read a second time.

Mr. Anthony moved to refer the bill to the Judiciary committee.

Which was decided in the negative.

The bill was then ordered to be engrossed.

Senate bill No. 26, a bill to preserve and restore the records of the supreme court,

Was read a second time; when,

Mr. Gibson submitted the following amendment to the bill:

It is declared that an emergency exists, requiring the enactment hereby made, that this act shall be in force from and after its passage.

Which amendment was adopted, and the bill ordered to be engrossed.

Senate bill No. 25, a bill to amend an act therein named,

Was read a second time and ordered to be engrossed.

Senate bill No. 21, a bill providing a uniform system for establishing county lines, and locating permanently the corners thereof,

Was read a second time and ordered to be engrossed.

Senate bill No. 22, a bill to amend an act entitled "an act to incorporate the Junction railroad company," which became a law on the 15th day of February, 1848,

Was read a second time; and,

On motion by Mr. Gibson,

Referred to the Judiciary committee, with instructions to "inquire into the constitutionality of the bill."

House bill No. 17, a bill to give livery stable keepers and others employed in the feeding of cattle, horses, hogs and other live stock a lien upon the same for their services as such, being supplemental to an act concerning liens of mechanics, merchants and others, approved May 20, 1852,

Was read a second time and ordered to a third reading.

House bill No. 16, a bill to amend the 9th section of an act entitled "an act to provide for electing electors for President and Vice President of the United States," approved May 20, 1852, changing the time prescribed in said section for the assembling of said electors to cast the electoral vote of the State,

Was read a second time; and,

On motion by Mr. Gibson,

Referred to the Judiciary committee.

The following message from the House of Representatives was taken up:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House have passed the following engrossed bills thereof:

Bill No. 5. A bill to extend the period within which the president and directors of the Delphi and Frankfort plank road company are

required to complete the whole of their road from four years to seven years.

Bill No. 25. An act to provide for the enumeration of all the white male inhabitants over the age of twenty-one years in the State of Indiana, in the year 1853, and pay the officers for taking the same.

Bill No. 31. A bill to change the time of holding the courts of common pleas in the district composed of the counties of Vanderburgh and Warrick, and to authorize an extra term of said court in each of said counties.

In which the concurrence of the Senate is respectfully requested.

Bills Nos. 5, 25 and 31, contained in the message, were each read the first time and ordered to a second reading.

The President laid before the Senate the following communication from the Auditor of State:

OFFICE OF AUDITOR OF STATE, }  
Indianapolis, Jan. 24, 1853. }

HON. A. P. WILLARD,  
*President of the Senate:*

SIR:—Please lay before the Senate the accompanying abstract of the first semi-annual reports of the condition and operations of the free banks in the State of Indiana, on the first Monday of January, 1852, and oblige

Very respectfully, &c.,

E. W. H. ELLIS,  
*Auditor of State.*

On motion by Mr. Anthony,

The abstract of the report of the Auditor was laid on the table, and five hundred copies ordered to be printed.

On motion by Mr. Brown,

The Senate adjourned until 2 o'clock.

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2 O'CLOCK, P. M.

The Senate assembled.

Mr. Gibson submitted the following resolution:

*Resolved*, That the committee on the organization of courts be instructed to inquire whether the 3d section of chapter 4, of the 2d volume of the revised code is not radically deficient in its provisions and to report such amendments as may be deemed necessary.

Which was adopted.

Mr. Black, submitted the following resolution:

*Resolved*, That the committee on public expenditures be instructed to inquire into the expediency of so amending the compensation of county recorders as to provide for them a salary, in such counties as do not provide for that officer a competence under the present fees.

Which was adopted.

Mr. Sullivan submitted the following resolution:

*Resolved*, That the committee on Finance be instructed to inquire into the expediency of so amending the assessment law of last winter as to impose some penalty for making a false or fraudulent list of that species of personal property, which the law requires shall be listed over the signature of the owner without his affidavit, and report by bill or otherwise.

Which was adopted.

The President laid before the Senate a communication from his Excellency the Governor, in reply to a resolution of the Senate, inquiring as to the manner of dispensing with an Agent of State as suggested by him in his annual message.

Which,

On motion by Mr. Gibson,

Was referred to the Judiciary committee.

Mr. Hosbrook submitted the following resolution:

*Resolved*, That the committee on the Judiciary be instructed to inquire into the expediency of so amending the law as to prohibit a greater rate of interest than six per cent. on sinking fund loans and all other loans in which the State is concerned, and report by bill or otherwise.

Which was not adopted.

Mr. Cox from the committee on the Organization of Courts submitted the following report:

MR. PRESIDENT:

The committee on the Organization of Courts to which a resolution of the Senate was referred, instructing said committee to inquire what changes in the time of holding courts are necessary in the 10th and other circuits owing to the formation of the 11th circuit, have had the same under consideration, and have directed me to report that further action by the Senate is unnecessary, as a bill for that purpose is at this time pending before the House of Representatives.

Which was concurred in:

Mr. Butler submitted the following resolution:

*Resolved*, That the Auditor of State be instructed to report to the Senate, whether the Banks under an act to authorize and regulate the business of general banking, approved May 28, 1852, have reported to him as required by section 27 of said act, and if so to report the same to the Senate.

Which was adopted.

Mr. Hawthorn submitted the following resolution:

*Resolved*, That the committee on Swamp Lands, inquire into the expediency of reporting a bill amending the fourth provision in section twenty-six of the Revised Statutes, in relation to the manner of draining and expending the money, derived from the sale of swamp lands in the several counties of this State, so that it shall read thus: Expend all money derived from such sales in draining all ponds, (not including mill ponds) that covers more than half an acre of ground in each county. Next make levees and embankments to prevent the overflow of rivers and creeks where the same is injurious to the health of the surrounding country.

Which was adopted.

By unanimous consent of the Senate, Mr. Sullivan obtained leave and introduced,

No. 27. A bill imposing further restrictions and regulating the business of free banking in Indiana.

Which was read the first time, and passed to a second reading.

By unanimous consent of the Senate, Mr. Greathouse obtained leave and introduced,

No. 28. A bill to amend the second section of an act entitled "an act to provide for a general and uniform system of common schools, and school libraries, and matters properly connected therewith," approved June 14th, 1852.

Which was read the first time and passed to a second reading.

On motion by Mr. Gordon,  
The Senate adjourned until to-morrow morning at 9 o'clock.

TUESDAY MORNING, 9 o'clock, }  
January 25, 1853. }

The Senate assembled.

The journal of the preceding day was read.

Mr. Shallenberger presented the memorial of 85 women of Manchester, or the subject of the liquor traffic.

Which,

On motion,

Was referred to the committee on Temperance.

#### REPORTS FROM COMMITTEES.

By Mr. Anthony from the Judiciary committee:

MR. PRESIDENT:

The committee on the Judiciary to whom was referred Senate bill No. 22, entitled an act to amend an act entitled "an act to incorporate the Junction Railroad Company," which became a law on the 15th day of February, 1848, have had the same under consideration, and have directed me to report that in their opinion, the bill is special, and extends the rights and privileges of said company, and that it is in conflict with the provisions of the Constitution, which prohibits the General Assembly from creating corporations, other than banking by special act; they therefore recommend that said bill be laid upon the table.

Which report was concurred in, and the bill laid on the table.

By Mr. Morrison, from the committee on Corporations:

MR. PRESIDENT:

The committee on Corporations to whom was referred a resolution of the Senate, to inquire into the expediency of prohibiting by law the election of officers or directors of railroad companies, persons not residents of this State, have had the same under consideration, and have instructed me to report that in the opinion of said committee, it is inexpedient to legislate on that subject.

Which was concurred in.

By Mr. Gant, chairman of the joint committee on State Library:

MR. PRESIDENT:

The joint committee on the State Library to whom was referred Senate bill No. 17, an act to amend "an act regulating the duties and

election of State Librarian," with instructions, have directed me to report the same back amended as instructed.

Which was concurred in.

The question being on the passage of the bill.

By unanimous consent,

On motion by Mr. Humphreys,

The bill was amended by striking out the word "strangers."

By unanimous consent,

On motion by Mr. Brown,

The bill was amended by striking out the last clause.

By unanimous consent,

On motion by Mr. Wilson of Harrison,

The bill was amended by adding "farmers."

The question recurring on the passage of the bill,

*Those who voted in the affirmative were,*

Messrs. Adams, Anthony, Barnett, Black, Brookshire, Brown, Butler, Combs, Cox, Cutshaw, Edsall, Edwards, Gant, Gibson, Glazebrook, Greathouse, Hall, Hawthorn, Helm, Hendry, Horton, Hosbrook, Jackson of Tipton, Meeker, Morrison, Odell, Reynolds, Richardson, Roberts, Shallenberger, Simpson, Vandeventer, Wilson of Harrison and Witherow—34.

*Those who voted in the negative were,*

Messrs. Harris, Humphreys, Shook, Spann and Williams—5.

So the bill passed.

Ordered that the Secretary inform the House thereof.

#### RESOLUTIONS INTRODUCED.

On motion by Mr. Morrison,

*Resolved*, That the committee on the Judiciary be instructed to inquire into the expediency of so amending the law of descents, that in all cases where there is children living of the first marriage, shall only take an equal share of the real estate, as against creditors, with the children of the first and second marriage, and that they report by bill or otherwise.

On motion by Mr. Shields,

*Resolved*, That the committee on Benevolent and Scientific Institutions be instructed to inquire into the expediency of immediate legislation making adequate provision for the reception in the insane asylum of all persons who are incurably insane.

On motion by Mr. Brookshire,

*Resolved*, That the committee on the Judiciary be instructed to inquire into the expediency of so amending chapter 1st and section 10 of the Revised Statutes of 1852, as to increase the jurisdiction of justices of the peace, to \$150 in civil cases exclusive of interest.

The following message was received from the House of Representatives, by Mr. Bowes, their Clerk:

MR. PRESIDENT:

I am directed by the House of Representatives to bring to the Senate the following joint resolution:

No. 8. A joint resolution to instruct our Senators and request our Representatives, to procure the passage of a law by Congress to grant lands to actual settlers.

Also, bill No. 12. An act to legalize certain State, Wabash and Erie Canal certificates,

For the signature of the President.

Whereupon the President affixed his signature thereto.

Ordered that the Secretary inform the House thereof.

#### ORDERS OF THE DAY.

#### *Bills on Second Reading.*

Senate bill No. 27. A bill imposing further restrictions, and regulating the business of free banking in the State of Indiana,

Was read a second time by the title; and,

On motion by Mr. Gibson,

Referred to the select committee on Banks.

Senate bill No. 28, a bill to amend the second section of an act entitled "an act to provide for a general and uniform system of common schools and school libraries, and matters properly connected therewith," approved June 14, 1852,

Was read a second time by its title; when

Mr. Odell moved to refer the bill to the committee on Education.

Which was decided in the negative.

On motion by Mr. Greathouse,

The bill was referred to a select committee of five, and

Senators Greathouse, Williams, Sullivan, Edwards and Hall, were appointed said committee.

House bill No. 5, a bill to extend the period within which the president and directors of the Delphi and Frankfort plank road company are required to complete the whole of their road from four years to seven years,

Was read a second time by the title; and

On motion by Mr. Gibson,

Referred to the Judiciary committee, with instructions "to inquire into the constitutionality of the bill."

House bill No. 25, a bill to provide for the enumeration of all white male inhabitants over the age of twenty-one years, in the State of Indiana in the year 1853, and pay the officers for taking the same,

Was read a second time; and,

On motion by Mr. Adams,

Referred to the committee on County and Township business.

House bill No. 31, a bill to change the time of holding the courts of common pleas in the district composed of the counties of Vanderburgh and Warrick, and to authorize an extra term of said court in each of said counties,

Was read a second time and ordered to a third reading.

#### BILLS ON THIRD READING.

Senate bill No. 26, a bill to preserve and restore the records of the supreme court,

Was read a third time.

And the question being on the passage of the bill,

*Those who voted in the affirmative were,*

Messrs. Adams, Anthony, Barnett, Barton, Butler, Combs, Cox, Cutshaw, Edsall, Gibson, Greathouse, Hall, Harris, Hawthorn, Horton, Hosbrook, Humphreys, Jackson of Madison, Jackson of Tipton, Kightley, Morrison, Odell, Reynolds, Roberts, Shallenberger, Shields, Simpson, Sullivan, Vandeventer and Witherow—30.

*Those who voted in the negative were,*

Messrs. Brown, Edwards, Gant, Glazebrook, Helm, Hendry, Meeker, Shook, Spann, Williams and Wilson of Harrison—11.

So the bill passed.

Ordered that the Secretary inform the House thereof.

Senate bill No. 25, a bill to amend an act therein named,

Was read a third time.

And the question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Adams, Anthony, Barnett, Barton, Brookshire, Brown, Combs, Cutshaw, Edsall, Edwards, Gant, Gibson, Glazebrook, Greathouse, Hall, Harris, Hawthorn, Helm, Hendry, Horton, Hosbrook,

Humphreys, Jackson of Madison, Jackson of Tipton, Kightley, Meeker, Morrison, Odell, Reynolds, Richardson, Roberts, Shallenberger, Shields, Shook, Simpson, Spann, Sullivan, Vandeventer, Williams, Wilson of Harrison, and Witherow—41.

Messrs. Butler and Cox voted in the negative—2.

So the bill passed.

Ordered, that the Secretary inform the House thereof.

Senate bill No. 23, a bill to amend an act entitled "an act to incorporate the Madison and Cross Plains plank road company," approved February 13, 1851,

Was,

On motion by Mr. Gibson,

Laid on the table without reading.

Senate bill No. 21, a bill providing a uniform system for establishing county lines, and locating permanently the corners thereof,

Was read a third time.

And the question being on the passage of the bill,

*Those who voted in the affirmative were,*

Messrs. Anthony, Barnett, Brookshire, Brown, Butler, Combs, Cox, Cutshaw, Edsall, Edwards, Greathouse, Hall, Harris, Hawthorn, Hendry, Horton, Hosbrook, Jackson of Madison, Jackson of Tipton, Kightley, Meeker, Odell, Reynolds, Richardson, Roberts, Shallenberger, Simpson, Spann, Sullivan, Vandeventer and Witherow—31.

*Those who voted in the negative were,*

Messrs. Adams, Gant, Glazebrook, Helm, Humphreys, Morrison, Shields, Shook, Williams and Wilson of Harrison—10.

So the bill passed.

Ordered, that the Secretary inform the House thereof.

House bill No. 17. A bill to give livery stable keepers and others engaged in the feeding of horses, cattle, hogs and other live stock a lien upon the same for their services as such; being supplemental to an act concerning liens of mechanics, merchants and others, approved May 20, 1852,

Was read a third time.

And the question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Adams, Anthony, Barnett, Barton, Black, Butler, Combs,

Cox, Cutshaw, Edsall, Edwards, Gibson, Glazebrook, Greathouse, Hall, Harris, Hawthorn, Helm, Hendry, Horton Hoshbrook, Humphreys, Jackson of Madison, Jackson of Tipton, Kightly, Meeker, Morrison, Odell, Richardson, Roberts, Shallenberger, Shields, Shook, Simpson, Spann, Sullivan, Vandeventer, Williams, Wilson of Harrison and Witherow—40.

Mr. Gant voted in the negative.

So the bill passed.

Ordered that the Secretary inform the House thereof.

Mr. Edwards presented a petition on the subject of temperance.

Which was,

On motion,

Referred to the committee on that subject.

On motion by Mr. Humphreys,

The Senate adjourned until 2 o'clock, P. M.

2 o'clock, P. M.

The Senate assembled.

Mr. Spann in the chair.

Mr. Anthony from the committee on Corporations submitted the following report:

**MR. PRESIDENT:**

The committee on corporations to whom was referred Senate bill No. 7, have had the same under consideration, and have instructed me to report the same back with the following amendments: first amend the title by adding the following:

And to authorize railroads to construct roads they may have surveyed and located.

And secondly, add the following section, and when so amended recommend its passage.

**SEC. 4.** No railroad company incorporated or organized by special charter, or under a general law, shall incur a forfeiture of any of its corporate privileges, by reason of its having heretofore failed to elect directors within the time prescribed by its charter or said law, or on account of a misnomer of said company, in any publication of notice, or for a failure to complete the work within the designated period; but all such companies so incorporated as aforesaid shall have full power and lawful authority to construct their roads

over the routes which they may have hitherto respectively surveyed and located, and whenever any railroad company shall have surveyed and located a route for a road, and commenced the construction of the same, they shall have full right and authority to complete said road, and to use and occupy the same.

Also the following section:

SEC. 5. Whereas, an emergency exists for the passage of this act the same shall take effect from and after its passage.

Mr. Harris moved to concur in the report of the committee with the following amendment;

Add to the 1st section the following amendment:

*Provided*, That nothing in this act shall be construed to authorize any railroad company to extend, build or maintain its railroad beyond the limits authorized by its charter or original articles of association.

On motion by Mr. Morrison,

The amendment offered by Mr. Harris,

Was laid on the table.

The question recurring on concurring in the report of the committee with the amendment,

It was decided in the affirmative.

The bill was then ordered to be engrossed.

On motion by Mr. Jackson of Tipton,

Leave of absence was granted to Mr. Griggs until to-morrow morning.

The following message was received from the House of Representatives, by Mr. Bowes, their Clerk:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House have passed the following engrossed bill thereof:

Bill No. 4. An act to amend section 30 of an act entitled "an act to establish courts of common pleas," approved May 14, 1852. In which the concurrence of the Senate is respectfully requested.

Bill No. 4, contained in the message was read the first time and ordered to a second reading.

Also, the following message was received from the House of Representatives, by Mr. Bowes, their Clerk:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the Speaker has signed the following enrolled bill thereof:

Bill No. 11, which I am directed to bring to the Senate for the signature of the President thereof.

Whereupon the President affixed his signature thereto.

Ordered that the Secretary inform the House thereof.

The President laid before the Senate the following communication from the Agent of State, accompanied by his annual report.

INDIANAPOLIS, JAN. 24, 1853.

HON. A. P. WILLARD,

*President of the Senate :*

SIR,—Please lay before the Senate the annual report of the Agent of State, herewith accompanying.

Very respectfully,

A. MAY, *Agent of State.*

Mr. Edwards moved that the report be laid on the table and 500 copies printed for the use of the Senate.

Mr. Meeker moved to strike out 500 and insert 1000.

Mr. Odell moved to insert 250.

The question then recurring on the motion of Mr. Meeker,

It was decided in the affirmative.

By unanimous consent,

Mr. Edwards introduced joint resolution No. 2, a joint resolution upon the subject of a right of way;

Which was read the first time and passed to a second reading.

On motion by Mr. Butler,

*Resolved*, That the Auditor of State be instructed to report to the Senate the amount of stock of each State respectively, and of the United States deposited with him as banking capital.

Mr. Kightley submitted the following resolution:

*Resolved*, That the committee on the Judiciary be instructed to inquire into the expediency of amending the 105th section of the act entitled, "an act providing for the settlement of decedents' estates," so that it shall not be necessary for the court of common pleas to order executors and administrators, in all cases when the sums in their hands or any intermediate settlement, shall exceed fifty dollars, to pay the same into court; but that the same in such cases in the discretion of the court may be loaned out temporarily by such executors or administrators, on sufficient security to the courts approval if the money is not likely to be needed in the immediate business of administration.

And also, that they inquire into the propriety of amending sections 137, 138 and 139, of said act, so as to authorize the court of common pleas to order distribution to be made of decedents estates at the same term at which settlements are made, upon satisfactory

proof by affidavit or otherwise being given to the court that all the heirs are present represented or are known, provided that in such cases it shall be the duty of the court to take refunding bonds of such heirs, or their guardians.

And further that they report a bill so amending the 66th section of said act, as to authorize executors and administrators to pay debts outstanding against the estates, which they represent without the same being first allowed by the court of common pleas, in cases where such debts are just, within knowledge of the executors or or administrators, provided that in all such cases of payment the executors or administrators shall be personally liable in case such payments are wrongful.

Which was adopted.

Mr. Brown presented the memorial of the Grand Division of the Sons of Temperance.

Which,

On motion by Mr. Brown,

Was referred to the committee on Temperance.

Mr. Reynolds submitted the following resolution:

*Resolved*, That the committee on the Judiciary be instructed to inquire into the expediency of reporting a bill authorizing suit to be brought against the State.

Which was adopted.

By Mr. Harris:

The petition of the Ladies of the town of Goshen, on the subject of temperance;

Which,

On motion,

Was referred to the committee on Temperance.

On motion by Mr. Shields,

The Senate adjourned until to-morrow morning, 9 o'clock.

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WEDNESDAY MORNING, 9 o'clock, }  
January 26, 1853. }

The Senate Assembled.

The journal of the preceding day was read.

#### PEPITIONS, MEMORIALS, AND REMONSTRANCES.

By Mr. Harris;

The petition of John W. Irwin and 150 other citizens of Elkhart

county, upon the subject of the manufacture and sale of ardent spirits.

Which was,

On motion,

Referred to the committee on Temperance.

By Mr. Barnett;

A petition of sundry citizens of this State upon the subject of the liquor traffic;

Which was,

On motion,

Referred to the committee on Temperance.

By Mr. Shallenberger:

The remonstrance of William Steele, Sr., against the enactment of any law prohibiting the manufacture of ardent spirits;

Which was,

On motion,

Referred to the temperance committee.

#### REPORTS FROM STANDING COMMITTEES.

By Mr. Cox, from the Judiciary committee:

MR. PRESIDENT:

The committee on Judiciary to whom was referred Senate bill No. 19, "a bill for the better regulation of telegraph companies," have had the same under consideration, and have directed me to report the same back with the following amendment and recommend its passage, to-wit:

Amend by adding the following section:

SEC. 5. It is declared that an emergency exists requiring the enactment hereby made that this act shall be in force from and after its passage.

Which amendment was concurred in by the Senate, and the bill ordered to be engrossed.

By Mr. Harris from the Judiciary committee:

MR. PRESIDENT:

The Judiciary committee to whom was referred House bill No. 16, have instructed me to report, that inasmuch as it is made the duty of congress, by the constitution of the United States, to define the day upon which the electors of President and Vice President shall give their votes, it is manifestly improper to legislate upon that subject. It is however, recommended that the act of congress, approved March 1, 1792, entitled "an act relative to the election of a

President and Vice President of the United States," be published with the laws of the present session: said bill is, therefore, reported back with the following amendment, viz:

Strike out all after the enacting clause and insert the following:

That so much of the act entitled "an act to provide for electing electors for President and Vice President of the United States," approved May 20, 1852, as defines the day upon which said electors shall give their votes is hereby repealed.

SEC. 2. It is hereby made the duty of the Secretary of State to cause to be published with the acts of the present session the act of congress, approved March 1, 1792, entitled "an act relative to the election of a President and Vice President of the United States."

Also, amend the title of said bill so as to read as follows, viz:

An act to repeal so much of an act entitled "an act to provide for electing electors for President and Vice President of the United States," approved May 20, 1852, as defines the day upon which said electors shall give their votes.

Which report was concurred in, the amendments adopted, and the bill ordered to a third reading.

By Mr. Odell, from the committee on Swamp Lands:

MR. PRESIDENT:

The committee on Swamp Lands to whom was referred a resolution of the Senate upon that subject, have had the same under consideration, and directed me to report the following joint resolution:

No. 3. A joint resolution on the subject of Swamp Lands;

Which was read the first time and passed to a second reading.

The following report was made by Mr. Shields, from a select committee:

MR. PRESIDENT:

The select committee to which was referred the petition of John A. Bachman and Lisette Bachman, and the memorial of sundry citizens of Jackson county, touching the lands owned by John Fischli, late of Clark county, deceased, have had the same under consideration, and have directed me to submit the following report:

The petition professes to give the history of the enactments which have from time to time been adopted, in regard to the disposition of this property. It is believed that the statements of the petition, as to the demise of the said Fischli, the death of their two nephews, who emigrated to the United States, and the non-residence of the surviving devisees, with the exception of Bachman and wife, are substantially in accordance with the facts.

The memorial of the citizens of Jackson county, prays that the title to said real estate be vested in such of the devisees of said Fischli as may be in the United States when an act of the Legislature may take effect.

Both the petition and memorial assume that the lands have escheated to the State. Upon this subject the committee refrain from expressing any opinion. It involves not only the construction of a series of legislative enactments, but the decision of several complex and disputed questions of law. The General Assembly have submitted the case to another branch of the government, confessedly able to do it the fullest justice. They have provided by law that the devisees of John Fischli should institute suit in the Marion circuit court, by filing a bill in chancery, and that the State of Indiana should be made a defendant thereto; either party might bring a suit of error to the supreme court. Suit was accordingly brought, the Governor appointed counsel to represent the State. The decision of the court was adverse to the asserted right of the State to the property, and affirmed the title of the lands, except the one equal undivided twentieth part thereof, to be in the surviving devisees of said John Fischli, and one John Zulauff. The State has prosecuted a writ of error to the supreme court, where the suit is now pending. An application was made, but without success, to the General Assembly at its last session, to cause the writ of error to be dismissed. It is hoped, in view of the public and the private interests involved, and the injury resulting to both, by conflicting claims of title, that a decision will be had at an early day by which the long-agitated and disturbing questions connected with this estate, will be put to rest.

In the event of an affirmance of the decree of the lower court, no legislation will be necessary, except in regard to a small fraction of the land. Should the court hold that the one-twentieth, as well as the remaining nineteen-twentieths, vest in the surviving devisees, and those claiming under them, legislation would not only be unnecessary, but idle and ineffectual. The grant made by the State to the devisees—for the relinquishment of her right to them was a grant—confers upon them as against the State, a valid and indefeasible title. The State cannot vacate the grant, or modify its conditions, or discriminate in favor of these petitioners. In the event of the reversal of the decree, and a decision in favor of the title of the State, the whole matter will be open for legislative action.

It may be proper to add that the act which requires suit to be brought, provides for the sale of the lands, should the decision of the court be in favor of the State. It is believed, however, that at the time of the passage of this act, none of the nephews and nieces were residents of the United States.

It cannot be doubted that the unsettled condition of these lands, has proved a serious injury to the counties in which they are situated. They have been largely increased in value by the labor and enterprise of the proprietors of the adjacent lands. Instead of being cul-

tivated and occupied, as under other circumstances they would have been, they remain a neglected waste. Their settlement and substantial improvement would have added to the resources and population of several counties. The injurious consequences of this state of things have been felt in an especial degree in the county of Jackson. Your committee can, therefore, well appreciate the motives of the numerous and highly respectable petitioners from that county, who pray that the title of the lands may be vested in such of the devisees of said John Fischli as now are, or who may within a limited time, become *bona fide* residents of the United States.

The committee are of the opinion that special legislation, in regard to the prayer of the petitioners and memorialists, is inexpedient. In considering the subject, it has become their duty to examine the existing laws in regard to the capacity of non-resident aliens to take the lands by descent or devise. The examination has resulted in a settled conviction that provision should be made by law to meet the cases of persons who died seized of real estate, without kindred in this country. The justice and sound policy of securing such property to the descendants of the proprietor, have been recognized in every instance where legislative interposition has been invoked to remove the disability arising from the want of heritable blood. Our legislation has been faulty, in not providing by law for all cases, instead of resorting to a special enactment in each case as it arose. This piecemeal, special legislation, is prohibited by the Constitution. "A general law can be made applicable," by which those living abroad, who inherit the name or the blood of the deceased, or are the objects of his affections, may inherit his real estate, or its proceeds, under such limitations and restrictions as the wisdom of the legislature may impose. The second section of the eighth article provides that "all lands and other estate which shall escheat to the State for want of heirs or kindred entitled to the inheritance," shall constitute a part of the common school fund. The laws now in force make no provision for the inheritance passing to the alien who is not a *bona fide* resident of the United States, except that the alienage of a woman shall not, in certain cases, bar her right to one-third of her husband's lands. If there are any other exceptions, they have escaped the notice of the committee. An alien, residing abroad, cannot take lands by descent or devise. Under such circumstances, therefore, an estate of inheritance must escheat to the State. When the title of the State vests, it will not be competent for the legislature to divert the appropriation made by the Constitution of escheated property.

There is, therefore, in the opinion of the committee, an evident necessity for legislative action at the present session. It is presumed to be the sense of the Senate that property should never escheat to the State except when its proprietor dies intestate, and without kindred; and that persons residing in foreign parts, who are his descendants, or the objects of his testamentary bounty, should be authorized, upon certain conditions, to take his estate. The legisla-

tion which secures this beneficent object, is in keeping with the spirit of our institutions, and the progress of liberal opinions. It would add another to the many proofs afforded by our history, of the desire of the people of this State that persons of foreign birth, who have cast their lot with us, should be admitted on terms of liberal participation, to the privileges of our institutions, and to the protection which they afford to the rights of persons and property. On such subjects the most generous will be found to be the wisest and truest policy.

The committee venture to hope that they have not exceeded their appropriate duties in bringing this subject to the notice of the Senate. The committee have embodied their views in the shape of the bill which they have instructed me to report herewith to the Senate, and respectfully to recommend its passage.

No. 29. A bill to enable non-resident aliens to take upon certain conditions, real estate by descent or devise, to provide for the partition and sale thereof, and defining the jurisdiction and duties of the courts of common pleas, and certain officers in relation thereto.

Which was read the first time and passed to a second reading.

The following message was received from the House of Representatives by Mr. Bowes their clerk:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the Speaker has signed the following enrolled bill thereof:

Bill No. 17, which I am directed to bring to the Senate for the signature of the President thereof.

Whereupon the President affixed his signature thereto.

Ordered that the Secretary inform the House thereof.

#### BILLS INTRODUCED.

By unanimous consent of the Senate,

Mr. Gibson obtained leave to introduce

No. 30. A bill to authorize guardians, executors and administrators to lay off the real estate of their wards and decedents into town lots and dedicate streets, alleys and squares to public use when so ordered by the proper court.

Which was read the first time and passed to a second reading.

By unanimous consent,

Mr. Edwards introduced

No. 31. A bill to repeal sections 36 and 37 of an act entitled an act to establish courts of common pleas, and defining the jurisdiction

and duties of, and providing compensation for the judges thereof, approved May 14, 1852.

Which was read the first time, and passed to a second reading.

By unanimous consent, Mr. Adams introduced

No. 32. A bill to amend an act therein named.

Which was read the first time and passed to a second reading.

By unanimous consent,

Mr. Adams introduced

No. 33. A bill to amend an act therein named.

Which was read the first time and passed to a second reading.

By unanimous consent,

Mr. Gordon introduced

No. 34. A bill to provide for the election of delegates to the State Board of Agriculture.

Which was read the first time and passed to a second reading.

#### ORDERS OF THE DAY.

##### *Bills on second reading.*

House bill No. 4. A bill to amend section 30 of the common pleas act.

Which was read a second time, and,

On motion by Mr. Anthony,

Referred to the committee on the Organization of Courts.

On motion by Mr. Edwards,

The vote ordering joint resolution No. 2, a joint resolution on the subject of a right of way, to a second reading was re-considered.

When Mr. Edwards asked, and obtained leave to withdraw said joint resolution from the files of the Senate.

Senate bill No. 7. A bill to authorize railroad companies to connect with railroads in an adjoining State, and to consolidate their capital stock.

Was read a third time; when,

Mr. Butler moved to recomit to a select committee of five with the following instructions:

To inquire whether said bill will not have the effect to revive various forfeited railroad charters, and also as to the constitutionality of said bill.

On motion by Mr. Wilson of Harrison,

The bill and instructions were laid on the table.

House bill No. 31. A bill to change the time of holding the courts of common pleas in the district composed of the counties of Vanderberg and Warrick, and to authorize an extra term of said court in each of said districts.

Was read the third time.

The question being on the passage of the bill;

*Those who voted in the affirmative were,*

Messrs. Adams, Anthony, Black, Brookshire, Brown, Butler, Combs, Cox, Cutshaw, Edsall, Edwards, Gant, Gibson, Glazebrook, Greathouse, Gordon, Hall, Harris, Hawthorn, Helm, Hendry, Horton, Hosbrook, Humphreys, Jackson of Madison, Jackson of Tipton, Kightley, Meeker, Odell, Reynolds, Richardson, Roberts, Sallenberger, Shields, Shook, Simpson, Slater, Spann, Sullivan, Vandeventer, Williams, Wilson of Harrison and Witherow—43.

No Senator voting in the negative.

So the bill passed.

Ordered that the Secretary inform the House thereof.

Mr. Wilson of Harrison, submitted the following resolution :

*Resolved*, That the committee on the Judiciary inquire into the expediency of raising the conviction fees of the prosecuting attorneys in the common pleas courts, to five dollars on a plea of not guilty, and two dollars and a half on a plea of guilty.

Which was adopted.

The following message was received from the House of Representatives by Mr. Bowes their clerk :

MR. PRESIDENT :

I am directed by the House of Representatives to inform the Senate, that the House have passed the following engrossed joint resolution thereof :

Joint resolution No. 17. A joint resolution asking Congress to donate all of the unsold lands in the State of Indiana for common school purposes.

In which the concurrence of the Senate is respectfully requested.

No. 17, contained in the message was read a first time and passed to a second reading.

On motion by Mr. Gordon,

The Senate adjourned until two o'clock.

2 o'clock, P. M.

The Senate assembled.

The President laid before the Senate the following communication from the Auditor of State.

OFFICE OF AUDITOR OF STATE, }  
INDIANAPOLIS, January 26, 1853. }

*To the President of the Senate :*

SIR:— I have the honor to acknowledge the receipt of the following resolutions adopted by the Senate respectively, on the 24th and 25th inst., to-wit:

*Resolved*, That the Auditor of State be instructed to report to the Senate the amount of stock of each State respectively, and of the United States, deposited with him as banking capital.

*Resolved*, That the Auditor of State be instructed to report to the Senate whether the banks under an act to authorize and regulate the business of general banking, approved May 28, 1852, have reported to him as required by section 27 of said act, and if so, to report the same to the Senate.

In reply to these resolutions, I would state that the information called for has been transmitted to the General Assembly by my predecessor, under a resolution of the House of Representatives a few days ago, and the communication ordered to be printed.

It is now in the hands of the printer, and will be laid upon the desks of members in a few days.

Very respectfully,

JOHN P. DUNN, *Auditor of State.*

Which communication, was,

On motion by Mr. Brown,

Laid on the table.

By unanimous consent of the Senate,

Mr. Edwards obtained leave and introduced

No. 5. A joint resolution on the subject of a right of way:

Which was read the first time and passed to a second reading.

By unanimous consent of the Senate,

Mr. Adams obtained leave and introduced

No. 35. A bill to provide for the punishment of persons guilty of counselling and advising, aiding and abetting in this State, in the perpetration or attempt to perpetrate a felony in another State;

Which was read the first time and passed to a second reading.

By unanimous consent of the Senate,

Mr. Shook obtained leave and introduced

No. 36. A bill providing for serving process upon the officers, directors, attorneys or agents of any railroad company;

Which was read the first time and passed to a second reading.

On motion by Mr. Anthony,

Senate bill No. 7, "a bill to authorize railroad companies to connect with railroads in an adjoining State, and to consolidate their capital stock, was taken from the table.

The question then recurring on its reference to a select committee of five, with the instructions of Mr. Butler,

It was decided in the affirmative.

And Senators Butler, Edwards, Harris, Morrison and Sullivan, Were appointed said committee.

On motion by Mr. Harris,

The Senate adjourned until to-morrow morning 9 o'clock.

THURSDAY MORNING 9 o'clock, }  
January 27, 1853. }

The Senate assembled.

The Journal of the preceding day was read.

#### PETITIONS AND MEMORIALS.

By Mr. Combs:

The petition of 769 residents of Clay county, on the subject of preventing the construction of a reservoir on Birch creek, by the trustees of the Wabash and Erie canal;

Which was,

On motion,

Referred to the committee on Canals and Internal Improvements.

By Mr. Gordon;

The petition of sundry citizens of this State upon the subject of the manufacture and sale of ardent spirits;

Which was,

On motion by Mr. Gordon,

Referred to the committee on Temperance.

## REPORTS OF COMMITTEES.

By Mr. Anthony from the committee on the Judiciary :

MR. PRESIDENT :

The Judiciary committee, to whom was referred a resolution instructing said committee to inquire into the expediency of so amending chapter 1st and section 10 of the Revised Statutes of 1852, so as to increase the jurisdiction of justices of the peace to one hundred and fifty dollars in civil cases exclusive of interest, report that they have had the same under consideration and have directed me to report that it is inexpedient to legislate upon the subject.

Which was concurred in by the Senate.

By Mr. Witherow, from the Judiciary committee :

MR. PRESIDENT :

The committee on the Judiciary, to whom was referred bill of the House No. 5, entitled a bill to extend the period within which the president and directors of the Delphi and Frankfort Plank Road Company are required to complete the whole of their road, from four to seven years, have had the same under consideration, and have directed me to report that in their opinion the bill is unconstitutional, and would recommend that it be laid upon the table, and a general law passed upon the same subject.

Which report was concurred in and the bill laid on the table.

Mr. Cox, from the Judiciary committee, submitted the following report :

MR. PRESIDENT :

The committee on the Judiciary, to whom was referred a resolution of the Senate, instructing an inquiry into the expediency of reporting a bill to abolish the office of Agent of State, and transfer the duties to the Auditor or Treasurer of State, have had the same under consideration and have directed me to report, that in the opinion of the committee, it would be inexpedient to abolish the office of Agent of State, and recommend that the subject be indefinitely postponed.

Which report was concurred in by the Senate.

**BILLS INTRODUCED.**

By Mr. Shields:

No. 37. A bill to amend the general law of 1852, concerning insurance companies.

Which was read the first time and ordered to a second reading.

**ORDERS OF THE DAY.**

Joint resolution of the House No. 17, a joint resolution asking Congress to donate all the unsold lands in the State of Indiana for common school purposes,

Was read the second time, and ordered to a third reading.

Joint resolution of the Senate No. 4. A joint resolution in regard to a right of way.

Was read a second time.

On motion by Mr. Barnett,

The bill was referred to a select committee of three, with instructions to report a general bill upon that subject.

Senators Edwards, Barnett and Barton were appointed said committee.

Joint resolution of the Senate No. 3. A joint resolution on the subject of swamp lands.

Was read a second time; and,

On motion by Mr. Hawthorn,

Was laid on the table.

Senate bill No. 30. A bill authorizing guardians, executors and administrators to lay off the real estate of their wards and decedents into town lots, and dedicate streets, alleys and squares to public use, when so ordered by the proper court,

Was read a second time; and,

On motion by Mr. Gibson,

Referred to the Judiciary committee.

Bill of the Senate No. 36. A bill providing for serving process upon the officers, directors, attorneys, or agents of any railroad company,

Was read a second time; and,

On motion by Mr. Anthony,

Referred to the Judiciary committee.

Bill of the Senate No. 35. A bill to provide for the punishment of persons guilty of counseling and advising, aiding and abetting in

this State in the perpetration or attempt to perpetrate a felony in another State.

Which was read the second time by the title; and,

On motion by Mr. Adams,

Referred to the Judiciary committee.

Bill of the Senate No. 31. A bill to repeal sections 36 and 37 of an act entitled, "an to establish courts of common pleas, and defining the jurisdiction and duties of, and providing compensation for the judges thereof," approved May 14, 1852,

Was read the second time by the title; and,

On motion by Mr. Anthony,

Referred to the committee on the Organization of Courts.

Senate bill No. 29. A bill to enable non-resident aliens to take upon certain conditions, real estate by descent or devise, to provide for the partition and sale thereof, and defining the jurisdiction and duties of the courts of common pleas, and certain officers in relation thereof.

Which was read the second time by the title; and,

On motion by Mr. Shields,

Referred to the Judiciary committee.

On motion by Mr. Gibson,

Senate bill No. 10. A bill authorizing alien friends to take lands by descent or devise, and releasing to such alien friends the interest of the State in lands heretofore escheated, upon the condition of their removing to this State, or selling and conveying such lands to some citizen of this State, and providing for the appointment of guardians for such alien friends when minors.

Was taken from the table and placed in the files of the Senate.

Senate bill No. 34. A bill to provide for the election of delegates to the State Board of Agriculture and to prescribe some of their powers and duties.

Was read the second time; and,

On motion by Mr. Brown,

Referred to the committee on Agriculture.

Senate bill No. 32. A bill to amend an act therein named.

Was read the second time by the title; and,

On motion by Mr. Gibson,

Referred to the committee on Finance.

Senate bill No. 33. A bill to amend an act therein named.

Was read the second time by the title; and,

On motion,

Referred to the Judiciary committee.

## BILLS ON THIRD READING.

Senate bill No. 19. A bill for the better regulation of telegraph companies.

Was read a third time.

The question being on the passage of the bill.

*Those who voted in the affirmative were,*

Messrs. Adams, Anthony, Barnett, Barton, Black, Brookshire, Brown, Butler, Combs, Cox, Cutshaw, Edsall, Edwards, Gant, Gibson, Glazebrook, Gordon, Hall, Harris, Hawthorn, Helm, Hendry, Horton, Hosbrook, Humphreys, Jackson of Madison, Jackson of Tipton, Kightley, Meeker, Morrison, Odell, Powell, Richardson, Roberts, Shallenberger, Shields, Shook, Simpson, Sullivan, Vandeventer, Williams and Witherow—42.

No Senator voting in the negative.

So the bill passed.

On motion by Mr. Gibson,

The title was amended by adding the words "and legalize their former acts."

Ordered that the Secretary inform the House thereof.

The following message was received from the House of Representatives by Mr. Bowes their Clerk:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House have reciprocated the action of the Senate upon the communication of J. W. Cummins, relative to the three per cent. fund, and have appointed Messrs. Hendricks, Read and Moss, a committee on the part of the House, to act with a similar committee heretofore appointed on the part of the Senate.

Also, the following message was received from the House of Representatives, by Mr. Bowes, their Clerk:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House have passed the following engrossed bill thereof:

Bill No. 18. A bill to repeal section 276, article 14th, of an act to revise, simplify and abridge the rules, practice, pleadings and

forms in civil cases in the courts of this State, to abolish distinct forms of action at law, and to provide for the administration of justice in a uniform mode of pleading and practice, without distinction between law and equity," approved June 18, 1852, and to dispense with the use of seals in the conveyance of lands, or of any interest therein, and to define the meaning of all terms importing a seal in contracts obligatory upon individuals where the same occur in laws now in force, or hereafter to be in force.

In which the concurrence of the Senate is respectfully requested.

No. 18 contained in the message was read a first time and passed to a second reading.

The following message was received from the House of Representatives by Mr. Bowes their Clerk:

**MR. PRESIDENT:**

I am directed by the House of Representatives to inform the Senate that the House have passed the following engrossed bills thereof:

Also, bill No. 35. An act to provide for the annual reports of State officers, branches of State Bank and benevolent institutions to be made to the Governor.

Also, bill No. 43. A bill to fix the time of holding courts in the ninth judicial circuit, and the length of the terms.

Also, bill No. 45. An act to amend an act entitled an act touching official bonds and oaths, approved June 9th, 1852.

In which the concurrence of the Senate is respectfully requested.

Bills Nos. 35, 43 and 45 contained in the message were severally read the first time and ordered to a second reading.

Mr. Shields submitted the following resolution:

*Resolved*, That the committee on the Judiciary be instructed to inquire into the expediency of providing by law, that in all cases of conviction, either for misdemeanor or a felony, it shall form a part of the judgment of the court, that the convicted party shall be imprisoned until the fine and costs be paid or replevied. And also to inquire whether, consistently with the forms of the lease of the State Prison, the lessee thereof can be required by law to pay the fine and costs of conviction, when the convict is committed to his custody, in case provision be made that the convict shall be imprisoned at hard labor, beyond the specific period to which he shall have been sentenced, until said fine and costs shall have been discharged by the labor of the convict at a per diem valuation; and provided further, that said fine and costs be refunded to said lessee by the State, in case the prisoner be discharged by a pardon before the expiration of his sentence.

Which was adopted.

Mr. Greathouse submitted the following resolution:

*Resolved*, That a select committee of five be appointed, and they

are hereby requested to report a bill so amending the rent law as to more effectually indemnify the landlord without personal security.

Mr. Wilson of Harrison moved to lay the resolution on the table; Which was not agreed to.

The resolution was then adopted, and Senators Greathouse, Edwards, Shields, Hosbrook, and Brown were appointed said committee.

Mr. Cox, chairman of the committee on Enrolled Bills, submitted the following report:

MR. PRESIDENT:

The committee on Enrolled Bills have compared the enrolled with the engrossed copy of bill No. 6, an act requiring county treasurers to keep their offices in fire-proof buildings, when the same have been provided by the county board, and find the same correctly enrolled.

The following message was received from the House of Representatives, by Mr. Bowes, their Clerk:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the Speaker has signed the following Senate bill:

No. 6. An act requiring county treasurers to keep their offices in fire-proof buildings, where the same have been provided by the county board.

Mr. Barton submitted the following resolution:

*Resolved*, That the committee on the Organization of Courts be instructed to inquire into the expediency of amending the 4th section of an act entitled "an act touching the relation of guardian and ward," approved June 9, 1852, so that bond and security shall not be required of the guardian only on the rents and profits of the real estate, and on the personal estate of the ward, and that they report by bill or otherwise.

Which was adopted.

By unanimous consent,

Mr. Humphreys obtained leave and introduced

Bill No. 38. A bill to repeal the general banking law, approved May 28, 1852;

Which was read the first time, when

Mr. Brown moved to suspend the rule and read the bill a second time now.

The question being on suspending the rule,

*Those who voted in the affirmative were,*

Messrs. Adams, Brown, Cutshaw, Gibson, Glazebrook, Greathouse, Hosbrook, Humphreys, Jackson of Tipton, Morrison, Odell, Roberts, Shields, Shook, Spann and Sullivan—16.

*Those who voted in the negative were,*

Messrs. Anthony, Barnett, Black, Brookshire, Butler, Combs, Cox, Edsall, Edwards, Gant, Gordon, Hall, Hawthorn, Helm, Hendry, Horton, Jackson of Madison, Kightley, Meeker, Powell, Richardson, Shallenberger, Simpson, Slater, Vandeventer, Williams, Wilson of Harrison and Witherow—30.

So the rule was not suspended.

The bill was then passed to a second reading. ✓

Mr. Black submitted the following resolution:

*Resolved*, That the report of James S. Hester to the General Assembly, be referred to the joint committee on Revision, with instructions to report the same back with references to the appropriate committees.

Which was adopted.

On motion by Mr. Edwards,

The Senate adjourned until 2 o'clock, P. M.

2 O'CLOCK, P. M.

The Senate assembled.

Mr. Glazebrook, chairman of the committee on Enrolled Bills, made the following report:

MR. PRESIDENT:

The joint committee on Enrolled Bills have presented to the Governor for his signature Senate bill No. 6, an act requiring county treasurers to keep their offices in fire proof buildings, when the same have been provided by the county board.

House bill No. 16, a bill to amend the 9th section of an act entitled "an act to provide for electing electors for President and Vice President of the United States," approved May 20, 1852, changing the time prescribed in said sections for the assembling of said electors to cast the electoral vote of the State;

Was read the third time.

The question being on the passage of the bill.

*Those who voted in the affirmative were,*

Messrs. Adams, Anthony, Barnett, Barton, Brookshire, Brown, Butler, Combs, Cox, Cutshaw, Gant, Gibson, Glazebrook, Greathouse, Gordon, Hall, Harris, Hawthorn, Helm, Hendry, Horton, Hosbrook, Humphreys, Jackson of Madison, Jackson of Tipton, Kightley, Meeker, Morrison, Odell, Powell, Richardson, Roberts, Shallenberger, Shields, Shook, Simpson, Slater, Spann, Sullivan, Vandeventer, Williams, Wilson of Harrison and Witherow—42.

No Senator voting in the negative.

So the bill passed.

On motion by Mr. Gibson,

The title was amended by adding the following:

“And to provide for the publication of an act of Congress therein named.”

Ordered that the Secretary inform the House of the passage of the bill.

Mr. Sullivan made the following report from a select committee.

**MR. PRESIDENT:**

The select joint committee to whom was referred the communication of J. W. Cummins on the subject of the three per cent. fund, have had the same under consideration, and directed me to report the following joint resolution, and recommend its passage:

No. 5. A joint resolution relative to the three per cent. fund.

Which was read a first time and passed to a second reading.

By unanimous consent,

Mr. Edsall obtained leave to introduce

No. 6. A joint resolution on the subject of a ship canal around the falls of Niagara, connecting Lake Ontario and Lake Erie.

Which was read the first time and passed to a second reading.

Mr. Cox submitted the following resolution:

*Resolved*, That the committee on the Judiciary inquire into the expediency of reducing the price of the saline lands belonging to the State of Indiana.

Which was adopted.

On motion by Mr. Morrison,

*Resolved*, That so much of the annual report of the Auditor of State as recommends making defalcations by the county treasurers a felony, be referred to the Judiciary committee with instructions to report a bill conformable to the recommendations of the Auditor if found expedient.

Mr. Hawthorn submitted the following resolution :

*Resolved*, That the committee on Agriculture be, and are hereby requested to inquire into the expediency of reporting a bill appropriating a sufficient sum of money for the prosecution of a general geological survey of the State.

On motion Mr. Brown,

The resolution was amended so as to change its reference to the select committee on the Geological Survey of the State.

The resolution as amended was adopted.

Mr. Morrison submitted the following resolution :

*Resolved*, That the committee on the Judiciary be instructed to inquire into the expediency of amending section 650, article 36, chapter I, of "an act to revise and simplify the rules, practice, pleadings and forms in civil cases in the courts of this State, &c., approved June 18th, 1852, so as to extend the time allowed to file notice of lien to 160 days, and that they report by bill or otherwise.

Which was adopted.

Mr. Horton, chairman of the committee on County and Township Business, submitted the following report :

MR. PRESIDENT :

The committee on county and township organization, to whom was referred House bill No. 25, a bill to provide for the enumeration of all the white male inhabitants over the age of twenty-one years in the State of Indiana, in the year 1853, and pay the officers for taking the same, have had the same under consideration, and have instructed me to report the same back without amendment, and respectfully recommend its passage.

Mr. Shook moved to concur in the report of the committee with the following amendment :

Strike out of the 4th section so much as provides for allowing three cents on each person returned, and the per diem allowance for making return.

The question being on concurring in the report of the committee with the amendment,

It was decided in the negative.

The report of the committee was then concurred in, and the bill ordered to be engrossed.

Mr. Sullivan, chairman of the committee on Finance, submitted the following report :

MR. PRESIDENT :

The committee on Finance, to whom was referred the resolution

of the Senate inquiring into the expediency of so amending the assessment laws as to provide by law for the meeting of township assessors at their county seats previous to their proceeding to make such assessment, have had the same under consideration, and have instructed me to report the same back to the Senate as inexpedient.

Which was concurred in by the Senate.

Mr. Wilson of Harrison submitted the following resolution:

*Resolved*, That a select committee be appointed to inquire into the facts informally communicated to the Senate this morning, by his excellency the Lieutenant Governor, and report what measures shall be adopted in regard to the marking the spot in which is deposited the remains of Andrew Kennedy, late a member of this Legislature and of Congress.

Which was adopted; and Senators Wilson of Harrison, Edsall and Powell were appointed said committee.

On motion by Mr. Gordon,

The Senate adjourned until to-morrow morning, 9 o'clock.

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FRIDAY MORNING, 9 o'clock, }  
January 28th, 1853. }

The Senate assembled.

The Journal of the preceding day was read.

#### REPORTS FROM STANDING COMMITTEES.

By Mr. Hendry, from the committee on the Judiciary :

MR. PRESIDENT :

The Judiciary committee, to whom was referred Senate bill No. 32, a bill to amend an act entitled "an act prescribing the duties of Treasurer of State, approved May 20, 1852, have had the same under consideration, and directed me to report the same back without amendment, and to recommend its passage.

By Mr. Gibson, chairman of the Judiciary committee:

MR. PRESIDENT:

The Judiciary committee, to whom was referred the communication of Oscar B. Hoard, relative to misdemeanors pending before the circuit court, have had that subject under consideration, and have directed me to report the following bill and recommend its passage.

No. 39. An act giving circuit courts jurisdiction in all cases of misdemeanors pending before them when the revised code of '52 shall take effect.

Which was read a first time and passed to a second reading.

By Mr. Cox, from the Judiciary committee:

MR. PRESIDENT:

The committee on the Judiciary to whom was referred Senate bill No. 35, have had the same under consideration and directed the following amendments, to-wit:

Insert the word "or" between the words "advise" and "aid" in the second line of the first section, so as to read—Sec. 1. That any person who shall counsel and advise, or aid, abet," &c. And to insert the word "State" after the word "another" in the fourth line of the first section; and strike out the word "thus" after the word "all" in the first line of the second section, and recommend its passage.

Which report was concurred in, the amendments adopted, and the bill ordered to be engrossed.

By Mr. Anthony from the Judiciary committee:

MR. PRESIDENT:

The Judiciary committee to whom was referred Senate bill No. 30, entitled "a bill to authorize guardians, executors and administrators, to lay off the real estate of their wards and decedents into town lots, and dedicate streets and alleys and squares to public use, when so ordered by the proper court, have had the same under consideration, and have instructed me to report the same bill back to the Senate and recommend its passage.

Which was concurred in by the Senate.

By Mr. Witherow from the committee on the Judiciary:

MR. PRESIDENT:

The committee on the Judiciary, have considered a resolution in-

structing said committee to inquire into the expediency of providing by law for imprisonment in the county jail, of persons convicted of a misdemeanor or felony, until the fine and costs of conviction be paid, also instructing said committee to inquire whether it would be consistent with the terms of the lease of the State Prison, to require the lessee to pay the fines and costs of conviction of convicts committed to his custody, in case provision was made to imprison such convicts at hard labor beyond the time for which they had been sentenced until said fines and costs should be paid by a per diem valuation, and have instructed me to report that in the opinion of said committee, the law passed by the legislature at its last session, providing for imprisonment of offenders in the county jail, until the fines and costs which they are adjudged to pay, be paid or replevied, and also, providing for such persons discharge after being imprisoned one day for every fifty cents of such fine and costs, is sufficient legislation upon the subject.

The committee are also of opinion, that the proposition contained in the second inquiry of the resolution would be a violation of the lease of the State Prison, and that such a requirement could not be made of the lessee without his consent. They therefore think legislation on the subjects embraced inexpedient and recommend that the resolution be laid upon the table.

Which was concurred in by the Senate.

Mr. Edwards submitted the following report from a select committee:

MR. PRESIDENT:

The majority of the select committee to whom was referred a joint resolution of the Senate entitled "a joint resolution in regard to a right of way," with instructions to make the same general, have had the subject under consideration, and have directed me to report said joint resolution back to the Senate with the following amendment:

Add to the first section these words: "And also releasing to any railroad company, whether incorporated by special charter or organized under a general law, a right of way over any of the public lands, when said company shall construct its roads."

Upon the adoption of this amendment, they respectfully recommend the passage of the joint resolution.

Mr. Barnett moved to concur in the report of the committee, with the following amendment:

Strike out all after the word "releasing," of the first resolve, and insert the following: "To all railroad companies, whether incorporated by special charter or organized under a general law, a right of way over any of the public lands where said roads may have been constructed, or may hereafter be constructed."

Mr. Cox moved to lay the amendment on the table;

Which was decided in the affirmative.

The report of the committee was then concurred in, and the joint resolution ordered to be engrossed.

The following resolution was submitted by Mr. Brookshire:

*Resolved*, That the committee on corporations be instructed to inquire into the expediency of so amending chapter 80 and section 15, of the Revised Statutes of 1852, so as to strike out the words "five hundred dollars," and insert "in any sum not exceeding one hundred dollars."

On motion by Mr. Wilson of Harrison,

Leave of absence was granted to Mr. Adams until Tuesday next.

#### ORDERS OF THE DAY.

##### *Senate bill's on second reading.*

No. 37. A bill to amend the general law of 1852 concerning insurance companies,

Was read a second time and ordered to be engrossed.

No. 38. A bill to repeal an act therein named;

Was read a second time.

Mr. Odell moved to refer the bill to the committee on Banks.

Mr. Edwards moved to instruct the committee to provide an amendment for the surrender of all charters obtained under said free banking act, and final settlement of all matters within one year.

A division of the question being called for,

The question was first taken on referring,

Which was decided in the negative.

Mr. Brown moved to refer the bill to a committee of the whole Senate, and made the special order of the day for Thursday next at 2 o'clock, P. M.

Which was decided in the affirmative.

#### HOUSE BILLS ON SECOND READING.

No. 18. A bill to repeal section 276, article 13, of an "act to revise, simplify and abridge the rules, practice, pleadings and forms in civil cases in the courts of this State; to abolish distinct forms of action at law, and to provide for the administration of justice in a uniform mode of pleading and practice without distinction between law and equity," approved June 18, 1852, and to dispense with the use of the seals in conveyances of lands or of any interest therein; and to define the meaning of all terms importing a seal in contracts

obligatory upon individuals, when the same occur in laws now in force or hereafter to be in force;

Was read a second time; and,

On motion by Mr. Anthony,

Referred to the Judiciary committee.

No. 35. An act to provide for annual reports of State Officers, branches of State Bank and Benevolent Institutions, to be made to the Governor;

Was read a second time; and,

On motion by Mr. Humphreys,

Referred to a select committee of five.

Messrs. Humphreys, Meeker, Brown, Butler and Gibson were appointed said committee.

No. 45. An act to amend an act entitled "an act touching official bonds and oaths," approved June 9, 1852,

Was read the second time by the title; and,

On motion by Mr. Gibson,

Referred to the Judiciary committee.

No. 43. A bill to fix the time of holding courts in the 9th judicial circuit, and the length of the terms,

Was read a second time by the title; and,

On motion by Mr. Gibson,

Referred to the committee on the Organization of Courts.

Senate joint resolution No. 5, a joint resolution relative to the three per cent fund,

Was read a second time; and,

On motion by Mr. Wilson of Harrison,

Referred to a select committee.

Senators Wilson of Harrison, Sullivan, Gibson, Black and Harris were appointed said committee.

Senate joint resolution No. 6, a joint resolution on the subject of a ship canal around the falls of Niagara, connecting lake Ontario and lake Erie,

Was read a second time and ordered to be engrossed.

#### BILLS ON THIRD READING.

House joint resolution No. 17, a joint resolution asking congress to donate all the unsold lands in the State of Indiana, for common school purposes,

Was read a third time;

And the question being, shall the joint resolution pass?

*Those who voted in the affirmative were,*

Messrs. Anthony, Barnett, Barton, Brookshire, Brown, Butler, Combs, Cox, Cutshaw, Edsall, Edwards, Gant, Gibson, Glazebrook, Griggs, Gordon, Hall, Harris, Hawthorn, Hendry, Horton, Hum-

phreys, Jackson of Madison, Jackson of Tipton, Kightly, Meeker, Morrison, Odell, Powell, Richardson, Roberts, Shallenberger, Shields, Shook, Simpson, Slater, Spann, Sullivan, Vandeventer, Williams, Wilson of Harrison, and Witherow—42.

No Senator voted in the negative.

So the joint resolution passed.

Ordered, that the Secretary inform the House thereof.

House bill No. 25, a bill to provide for the enumeration of all the white male inhabitants over the age of twenty-one years, in the State of Indiana in the year 1853, and pay the officers for taking the same, Was read the third time; when

Mr. Shook moved to recommit the bill with the following instructions: Recommit to the committee on County and Township business, with the following instructions:

Strike out of the third section so much as provides for the payment of three per cent. on each person enumerated, and the per diem allowance of one dollar for making return.

Upon which the ayes and noes were demanded by Messrs. Shook and Glazebrook.

*Those who voted in the affirmative were,*

Messrs. Barnett, Black, Brookshire, Brown, Butler, Combs, Cox, Cutshaw, Edsall, Edwards, Gant, Glazebrook, Griggs, Hall, Harris, Hawthorn, Hendry, Humphreys, Jackson of Tipton, Kightley, Meeker, Powell, Richardson, Roberts, Shallenberger, Shields, Shook, Simpson, Slater, Spann, Vandeventer and Williams—32.

*Those who voted in the negative were,*

Messrs. Barnett, Gibson, Gordon, Horton, Jackson of Madison, Morrison, Odell, Sullivan, Wilson of Harrison, and Witherow—10.

So the bill was recommitted.

The following message from the House of Representatives was taken up:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House has passed the following engrossed bill thereof:

Bill No. 29. A bill to repeal part of section 119 of an act entitled "an act to revise, simplify and abridge the rules, practice, pleadings

and forms in criminal actions in the courts of this State," approved June 17, 1852.

In which the concurrence of the Senate is respectfully requested.

Bill No. 29, contained in the message, was read a first time and ordered to a second reading.

Also, the following message from the House of Representatives was taken up:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House have passed the Senate bill No. 14, "a bill to prevent the forfeitures of the charters of mining or manufacturing companies within this State, on account of irregularities in the time and place of meeting of stockholders or directors, or in the election of officers, or for having subscribed stock in, or made loans to any other incorporated company in this State," with sundry engrossed amendments thereto.

In which the concurrence of the Senate is respectfully requested.

On motion by Mr. Gibson,

The engrossed amendments of the House to bill No. 14, contained in the message, were concurred in.

Also, the following message from the House of Representatives was taken up:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate, that the House has passed the following engrossed bill thereof:

Bill No. 37. An act to change the time of holding circuit courts in the tenth judicial circuit.

In which the concurrence of the Senate is respectfully requested.

Bill No. 37, contained in the message was read the first time.

Mr. Harris moved to suspend the rule and read the bill a second time now.

And the question being on suspending the rule,

*Those who voted in the affirmative were,*

Messrs. Barton, Gibson, Hall, Hendry, Horton, Jackson of Madison, Jackson of Tipton, Morrison Odell, Shields, Shook, Slater, Spann, Sullivan and Vandeventer—15.

*Those who voted in the negative were,*

Messrs. Black, Brookshire, Butler, Combs, Cox, Cutshaw, Edsall,

Edwards, Gant, Glazebrook, Griggs, Hawthorn, Humphreys, Kightley, Meeker, Powell, Roberts, Shallenberger, Simpson, Williams Wilson of Harrison and Witherow—23.

So the rule was not suspended.

The bill was then ordered to a second reading.

Also, the following message from the House of Representatives was taken up:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate, that the House has passed the following joint resolution, asking congress to grant John Lindsey and James Elliott pensions.

In which the concurrence of the Senate is respectfully requested.

Joint resolution No. 15, contained in the message, was read the first time and ordered to a second reading.

Mr. Gibson submitted the following resolution :

*Resolved*, That a select committee composed of the Senators in the second judicial circuit, be instructed to inquire into the expediency of changing the time of holding courts in said circuit, and that they report by bill or otherwise.

Which was adopted.

Mr. Sullivan obtained leave and introduced

Bill No. 40. A bill to amend an act entitled an act regulating the fees of officers, approved June 16, 1852.

Which was read the first time and passed to a second reading.

Mr. Humphreys obtained leave and introduced

Bill No. 41. A bill to amend the law of 1852, concerning the settlement of decedents' estates.

Which was read the first time and passed to a second reading.

Mr. Shallenberger submitted the following resolution :

*Resolved*, That the committee on education be instructed to inquire into the expediency of amending the 85th section of the 98th chapter of the Revised Statutes of Indiana, being an act to provide for a general and uniform system of common schools, &c., approved June 14, 1852, so that said section may read as follows—of whom he is authorized to appoint not exceeding three in number.

Which was adopted.

On motion by Mr. Sullivan,

The Senate adjourned until 2 o'clock, P. M.

2 o'clock, P. M.

The Senate assembled.

Mr. Humphreys submitted the following resolution :

*Resolved*, That his Excellency the Governor, be requested to report to the Senate the amount paid by the State for attorneys' fees during the last five years.

Which was adopted.

Mr. Spann submitted the following resolution :

*Resolved*, That when the Senate adjourns, it will adjourn until Monday next.

Which was adopted.

Mr. Jackson of Madison presented the petition of sundry citizens of Hancock county, upon the subject of the manufacture and sale of ardent spirits.

Which was,

On motion,

Referred to the committee on Temperance.

Mr. Hendry submitted the following resolution :

*Resolved*, That the Judiciary committee be instructed to inquire into the expediency of passing a law regulating the subject of escheats, and if found expedient that they report a bill on that subject.

Which was adopted.

Mr. Combs presented the petitions of sundry citizens of Clay county, on the subject of preventing the construction of a reservoir on Birch creek by the Trustees of the Wabash and Erie Canal.

Which was,

On motion,

Referred to the committee on Canals and Internal Improvements.

Mr. Gibson moved to suspend the rule and read Senate joint resolution No. 4, a joint resolution in regard to a right of way, a third time now.

And the question being on suspending the rule,

*Those who voted in the affirmative were.*

Messrs. Anthony, Black, Brookshire, Brown, Butler, Combs, Cuthaw, Edsall, Edwards, Gibson, Gordon, Hall, Humphreys, Jackson of Madison, Jackson of Tipton, Morrison, Odell, Powell, Richardson, Slater, Spann, Sullivan, and Vandeventer—23.

*Those who voted in the negative were,*

Messrs. Barnett, Gant, Glazebrook, Griggs, Harris, Hawthorn, Hendry, Horton, Meeker, Shook, Simpson, and Williams—12.

So the rule was not suspended.

On motion by Mr. Butler,

Leave of absence was granted Mr. Witherow until Monday next.

Mr. Hawthorn submitted the following resolution:

*Resolved* That the Judiciary committee inquire into the expediency of amending section 105 of the law in relation to decedents' estates, so that it read, "administrator or executor," where it reads, "clerk of the court," so that money when loaned or paid out, will be so done by the administrator or executor, and not by the clerk as required in said section.

Which was adopted.

On motion by Mr. Edsall,

The Senate adjourned.

MONDAY MORNING, 9 o'clock, }  
January 31, 1853. }

The Senate assembled.

On Motion by Mr. Wilson of Harrison,

The reading of the Journal was dispensed with.

#### PETITIONS AND REMONSTRANCES PRESENTED.

By Mr. Edsall ;

The petition of sundry citizens of this State, praying legislative interference on the subject of the manufacture and sale of ardent spirits.

Which was,

On motion,

Referred to the committee on Temperance.

By Mr. Cox ;

The remonstrance of numerous citizens of this State against legis-

tative interference on the subject of prohibiting the manufacture and sale of ardent spirits.

Which was,

On motion,

Referred to the committee on Temperance.

#### REPORTS FROM COMMITTEES.

By Mr. Harris, from the committee on the Judiciary :

MR. PRESIDENT :

The Judiciary committee to whom was referred Senate bill No. 36, entitled "an act providing for serving process upon the officers, directors, attorneys or agents of any railroad company," have had that subject under consideration, and have instructed me to report back said bill with the following amendments and respectfully recommend its passage, viz :

Insert in the first section immediately after the enacting clause the following words :

That suit may be commenced against any railroad company in this State, in the county where the cause of action occurred ; and also, strike out the words :

May be served upon any officer, director, attorney or agent of said company, in said first section, and insert the following, viz :

May be served by leaving copy with said president or with the secretary at the principal office of such company in the county where the cause of action accrued, or if there be no such secretary in such county, with any other officer thereof, or if there be no such officer in such county, with any conductor of any train belonging to said company in such county.

Also, amend the title so as to read as follows :

An act to provide for the commencement of suits against railroad companies, and to define the manner of serving process therein.

Which report was not concurred in by the Senate.

The bill was then ordered to be engrossed.

By Mr. Anthony, chairman of the committee on the Organization of Courts :

MR. PRESIDENT :

The committee on the Organization of Courts to whom was referred House bill No. 43, entitled "a bill to fix the time of holding courts in the 9th judicial circuit, and the length of terms," have had

the same under consideration, and have instructed me to report the same back to the Senate, and to recommend its passage.

Which was concurred in,

And the bill ordered to be engrossed.

By Mr. Edwards, from the committee on the Organization of Courts:

**MR. PRESIDENT:**

The committee on the Organization of Courts to whom was referred bill No. 31 of the Senate, repealing sections 36 and 37 of an act to establish courts of common pleas and defining the jurisdiction and duties of, and providing compensation for the judges thereof, have had the same under consideration and directed me to report the same back to the Senate, recommending its passage.

Which was concurred in by the Senate,

And the bill ordered to be engrossed.

By Mr. Vandeventer, from the committee on the Organization of Courts:

**MR. PRESIDENT:**

The committee on the Organization of Courts, to whom was referred House bill No. 4, entitled "an act to amend section 30 of the common pleas act," have instructed me to report the same back to the Senate, and recommend its indefinite postponement.

Which was concurred in, and the bill indefinitely postponed.

By Mr. Wilson of Harrison, from a select committee:

**MR. PRESIDENT:**

The select committee to which was referred joint resolution No. 5, together with the communication of J. W. Cummins, on the subject of the three per cent. fund, have had the same under consideration, and directed me to report the same back with one amendment.

Strike out the joint resolution from the resolving clause, and insert the accompanying bill:

No. 42. A bill to appoint J. W. Cummins an agent to proceed to Washington City, and procure the re-adjustment of the three per cent. fund and surplus revenue accounts of Indiana with the General Government, and procure the additional sum or sums of money that may accrue to the State thereby, placed to the credit of the State upon the books of the General Government, and also to provide for his compensation therefor.

Which report was concurred in, the bill read the first time and passed to a second reading.

## RESOLUTIONS OF THE SENATE.

On motion by Mr. Horton,

*Resolved*, That the Judiciary committee be directed to inquire into the expediency of providing a law for the election of an Attorney General by the General Assembly, and report by bill or otherwise.

On motion by Mr. Hendry,

*Resolved*, That the committee on the Organization of Courts be, and they are hereby instructed to inquire into the expediency of authorizing judges of the courts of common pleas to appoint masters in chancery and commissioners to make sales and execute deeds, and report by bill or otherwise.

## BILLS INTRODUCED.

By Mr. Barnett:

No. 43. A bill to repeal part of the first section of an act to amend an act to incorporate the Lake Michigan, Logansport and Ohio River railroad company;

Which was read a first time and passed to a second reading.

By Mr. Gibson:

No. 44. A bill directing how and when stocks belonging to a decedent's estate shall be sold or distributed;

Which was read a first time and passed to a second reading.

By Mr. Odell:

No. 45. A bill to amend section 23 of an act to provide for the valuation and assessment of the real and personal property, and the collection of taxes in the State of Indiana; for the election of township assessors, appraisers of real property, county treasurers and auditors, and the Treasurer and Auditor of State," approved January 21, 1852;

Which was read a first time and passed to a second reading.

## ORDERS OF THE DAY.

*Bills on Second Reading.*

No. 39. An act giving circuit courts jurisdiction in all cases of misdemeanors pending before them when the revised code of 1852 shall take effect,

Was read a second time and ordered to be engrossed.

Senate bill No. 40, a bill to amend an act entitled "an act regulating the fees of officers," approved June 16, 1852,

Was read a second time and ordered to be engrossed.

Senate bill No. 41. A bill to amend the law of 1852, concerning the settlement of decedents' estates.

Which was read a second time; and

On motion by Mr. Anthony,

Referred to the Judiciary committee.

Joint resolution of the House No. 15. A joint resolution asking Congress to grant John Linsey and James Elliott pensions,

Was read a second time; and,

On motion by Mr. Horton

Referred to the committee on Military Affairs.

#### BILLS ON THIRD READING.

Senate bill No. 30. A bill to authorize guardians, executors and administrators, to lay off the real estate of their wards into town lots, and to dedicate streets, alleys and squares to public use, when so ordered by the proper court,

Was read a third time.

And the question being on the passage of the bill,

*Those who voted in the affirmative were,*

Messrs. Anthony, Barnett, Barton, Brookshire, Brown, Butler, Combs, Cox, Cutshaw, Edsall, Edwards, Gant, Gibson, Glazebrook, Griggs, Hall, Harris, Hawthorn, Hendry, Horton, Hosbrook, Humphreys, Jackson of Tipton, Meeker, Morrison, Odell, Richardson, Roberts, Shallenberger, Shook, Simpson, Slater, Spann, Sullivan, Vandeventer, Williams and Wilson of Harrison—37.

No Senator voting in the negative.

So the joint resolution passed.

Ordered, that the Secretary inform the House thereof.

On motion by Mr. Jackson of Tipton,

Leave of absence was granted to Mr. Kightley.

Senate bill No. 32. A bill to amend an act entitled "an act prescribing the duties of Treasurer of State," approved May 20, 1852.

Was read a third time.

And the question being on the passage of the bill,

*Those who voted in the affirmative were,*

Messrs. Anthony, Barnett, Barton, Brookshire, Brown, Cox, Cutshaw, Edsall, Edwards, Gant, Gibson, Glazebrook, Griggs, Hall, Harris, Hawthorn, Hendry, Hosbrook, Humphreys, Jackson of Tipton, Meeker, Morrison, Odell, Richardson, Roberts, Shallenberger, Shook, Simpson, Spann, Vandeventer, Williams and Wilson of Harrison—32.

Messrs. Butler, Horton and Sullivan voted in the negative—3.

So the bill passed.

Ordered, that the Secretary inform the House thereof.

On motion by Mr. Wilson of Harrison,

Leave of absence was granted to Mr. Wilson of Jay.

Senate bill No. 35. A bill to provide for the punishment of persons guilty of counseling and advising, aiding and abetting in this State, in the perpetration or attempt to perpetrate a felony in another State;

Which was read a third time,

And the question being on the passage of the bill;

*Those who voted in the affirmative were,*

Messrs. Anthony, Barnett, Barton, Black, Brookshire, Brown, Butler, Combs, Cox, Cutshaw, Edsall, Edwards, Gant, Gibson, Glazebrook, Griggs, Hall, Hawthorn, Hendry, Horton, Hosbrook, Humphreys, Jackson of Tipton, Meeker, Morrison, Odell, Richardson, Roberts, Shallenberger, Shook, Simpson, Slater, Spann, Sullivan, Vandeventer, Williams and Wilson of Harrison.—36.

No person voting in the negative.

So the bill passed.

Ordered that the Secretary inform the House of the passage of the bill.

Senate bill No. 37. A bill to amend an act entitled an act for the incorporation of insurance companies, defining their powers and prescribing their duties, approved June 17, 1852,

Was read a third time.

The question being on the passage of the bill,

*Those who voted in the affirmative were,*

Messrs. Anthony, Barnett, Barton, Black, Brookshire, Brown, Butler, Combs, Cox, Cutshaw, Edsall, Edwards, Gant Gibson Glaze-

brook, Griggs, Hall, Harris, Hawthorn, Hendry, Horton, Hosbrook, Humphreys, Jackson of Tipton, Meeker, Morrison, Odell, Richardson, Shallenberger, Shook, Simpson, Slater Spann, Sullivan, Vandeventer, Williams and Wilson of Harrison—37.

No Senator voting in the negative.

So the bill passed.

Ordered that the Secretary inform the House of the passage of the bill.

#### BILLS ON SECOND READING.

House bill No. 29. A bill to repeal part of section 119, of an act entitled an act to revise, simplify and abridge the rules, practice, pleadings and forms in criminal actions in the courts of this State, approved June 17, 1852.

Was read a second time; and,

On motion by Mr. Slater,

Referred to the Judiciary committee.

House bill No. 37. A bill to change the time of holding circuit courts in the tenth judicial circuit.

Was read the second time by the title; and,

On motion by Mr. Anthony,

Referred to the committee on the Organization Courts.

On motion by Mr. Harris,

The vote referring to the committee on the organization of courts was reconsidered, and the bill referred to a select committee composed of the Senators from the tenth Judicial circuit.

Senate joint resolution No. 6. A joint resolution on the subject of a ship canal around the falls of Niagara, connecting Lake Ontario and Lake Erie.

Was read a third time,

The question being on the passage of the joint resolution,

*Those who voted in the affirmative were,*

Messrs. Anthony, Barnett, Barton, Black, Brookshire, Brown, Butler, Combs, Cox, Cutshaw, Edsall, Edwards, Gant, Gibson, Glazebrook, Griggs, Hall, Harris, Hawthorn, Hendry, Horton, Hosbrook, Humphreys, Jackson of Tipton, Meeker, Morrison, Odell, Richardson, Roberts, Shallenberger, Shook, Simpson, Slater, Spann, Sullivan, Vandeventer, Williams, and Wilson of Harrison—38.

No Senator voting in the negative.

So the joint resolution passed.

Ordered that the Secretary inform the House thereof.

## SENATE JOINT RESOLUTION.

No. 4. A joint resolution in regard to the right of way,  
Was read a third time; and,

On motion by Mr. Edwards,  
Laid on on the table.

The President laid before the Senate the following communication from his Excellency, the Governor:

EXECUTIVE DEPARTMENT, }  
January 31st, 1853. }

HON. A. P. WILLARD,  
*President of the Senate:*

SIR:—You will please to lay before the Senate the inclosed report from the Board of Trustees of the Indiana University.

Respectfully yours, &c.,  
JOSEPH A. WRIGHT.

Which report was,

On motion by Mr. Gibson,

Laid on the table and 2,500 copies ordered to be printed for the use of the members of the General Assembly, and 2,500 copies for the use of the Institution.

The following message was received from the House of Representatives by Mr. Bowes their clerk:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the Speaker has signed the following enrolled bill of the Senate:

No. 14. A bill to prevent the forfeiture of the charters of mining and manufacturing companies, within this State, on account of irregularities in the time and place of meeting of stockholders or directors, or in the election of officers, or for having subscribed stock in, or made loans to, any other incorporated company in this State;

And have directed me to bring the same to the Senate for the signature of the President.

Whereupon the President affixed his signature thereto.

Mr. Cox, chairman of the committee on Enrolled Bills, made the following report:

MR. PRESIDENT:

The committee on Enrolled Bills have compared the enrolled with

the engrossed copy of Senate bill No. 14, a bill to prevent the forfeiture of the charters of mining and manufacturing companies within this State, on account of irregularities in the time and place of meeting of stockholders or directors, or in the election of officers, or for having subscribed stock in or made loans to any other incorporated company in this State, and find the same correctly enrolled.

Mr. Glazebrook, chairman of the joint committee on Enrolled Bills, made the following report:

MR. PRESIDENT:

The joint committee on Enrolled Bills have this day presented to his excellency the Governor for his approval, the following enrolled bill of the Senate:

No. 14. A bill to prevent the forfeiture of the charters of manufacturing and mining companies within this State, on account of irregularities in the time and place of meeting of stockholders or directors, or in the election of officers, or for having subscribed stock in, or made loans to, any other incorporated company in this State.

The following message from the House of Representatives was taken up:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House has passed the following engrossed Senate bill No. 13:

A bill to amend an act entitled "an act to authorize the formation of voluntary associations," approved May 13, 1852, with an engrossed amendment.

In which the concurrence of the Senate is respectfully requested.

The engrossed amendments of the House to Senate bill No. 13, contained in the message,

Were concurred in by the Senate.

Also, the following message from the House of Representatives, was taken up:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House has passed the following engrossed bills thereof:

No. 7. A bill to change the times of holding the terms of the circuit courts for the several counties in the fifth judicial circuit.

Also, No. 53. An act amendatory of the 6th section of an act entitled "an act to authorize and limit allowances by courts and

boards and drafts upon county treasurers," approved May 27, 1852, and to authorize allowances to poor persons in certain cases.

In which the concurrence of the Senate is respectfully requested.

Bills Nos. 7 and 53, contained in the message were each read the first time, and ordered to a second reading.

Also, the following message from the House of Representatives was taken up:

MR. PRESIDENT :

I am directed by the House of Representatives to inform the Senate that the House have passed the following engrossed bill thereof:

No. 13. An act to amend an act entitled "an act providing for the appointment of notaries public and defining their powers and duties," approved January 9, 1852, amending section 2, and repealing section 3, of said act.

In which the concurrence of the Senate is respectfully requested.

Bill No. 13, contained in the message was read the first time, and ordered to a second reading.

Mr. Gibson, from the committee on the Organization of Courts, submitted the following report:

MR. PRESIDENT :

The committee on Organization of Courts of Justice, who were directed to inquire whether the 3d section of the 4th chapter of the Revised Code was not radically defective, have had that subject under consideration and have directed me to report, that such section is defective, and have further directed me to report the following bill and recommend its passage.

No. 46. An act to amend the third section of an act entitled "an act providing for the organization of circuit courts, the election of judges thereof, and defining their powers and duties," approved June 1, 1852:

Which was read the first time and passed to a second reading.

Mr. Humphreys moved to reconsider the vote taken on ordering Senate bill No. 31 to be engrossed.

No. 31. A bill to repeal sections 36 and 37 of an act, entitled "an act to establish courts of common pleas, and defining the jurisdiction and duties of, and providing compensation for the judges thereof," approved May 14, 1852.

Which was decided in the negative.

Mr. Gibson presented a communication from G. M. Boyd, praying the passage of a law for the better protection of religious meetings.

Which was,

On motion,

Referred to the committee on the Judiciary.

On motion by Mr. Brown,  
The Senate adjourned until 2 o'clock, P. M.

---

2 O'CLOCK, P. M.

The Senate assembled.

On motion by Mr. Black,  
Leave of absence was granted to Mr. Brown.

#### BILLS INTRODUCED.

By Mr. Gant,

No. 57. A bill to amend an act entitled "an act providing for the settlement of decedents' estates, and prescribing the rights, liabilities and duties of officers connected with the management thereof, and the heirs thereto, and certain forms to be used in such settlement," approved June 17, 1852.

Which was read the first time and passed to its second reading.

By Mr. Spann,

No. 48. An act to repeal certain acts therein named.

Which bill was read the first time and passed to a second reading.

Mr. Slater presented the petition of James Rariden, Esq., President of the Board of Directors of the White Water Canal, asking the Legislature to relinquish the right of the State to the redemption of said work.

Which was,

On motion,

Referred to a select committee.

Senators Slate, Shook, Gant, Butler, Meeker, Williams and Morrison, were appointed said committee.

Mr. Sullivan, chairman of the committee on Finance, made the following report:

MR. PRESIDENT:

The committee on Finance to whom was referred House bill No. 9, entitled a bill to authorize the Treasurer of State to furnish the Agent of State with funds for the payment of interest on the public debt, have had the same under consideration, and have directed me to report that in view of existing laws, it is inexpedient to legislate on the subject, and recommend that the bill be laid on the table.

Which report was concurred in, and the bill laid on table.

## PETITIONS PRESENTED.

By Mr. Reynolds:

Sundry petitions from citizens of Fountain county on the subject of Temperance.

Which were,

On motion.

Referred to the committee on that subject.

By Mr. Kightley:

The petition of sixty-five gentlemen and forty-four ladies, citizens of this State, on the subject of the manufacture and sale of ardent spirits.

Which was,

On motion,

Referred to the committee on Temperance.

By Mr. Shields:

The memorial of sundry ladies and gentlemen of Jackson county, on the subject of temperance;

Which,

On motion,

Was referred to the committee on that subject.

By Mr. Brookshire:

The petition of sundry citizens of this State on the subject of temperance;

Which was,

On motion,

Referred to the committee on that subject.

By Mr. Witherow:

The memorial of sundry citizens of Hendricks county, on the subject of temperance;

Which,

On motion,

Was referred to the committee on that subject.

By Mr. Jackson of Madison:

The petition of sundry citizens of Hancock county, on the subject of temperance;

Which was,

On motion,

Referred to the committee on that subject.

On motion by Mr. Hawthorn,

*Resolved*, That the committee on Education inquire into the expe-

diency of amending section 2 of chapter 98 of the Revised Statutes in relation to disposing of the county seminaries of the several counties in this State for the benefit of the common school fund, by inserting a certain day that said sale shall take place thereon in the year 1853; also, designate the officer that shall advertise and officiate in making said sale.

Mr. Humphreys, from a select committee, made the following report:

MR. PRESIDENT:

The select committee to whom was referred House bill No. 35, a bill to provide for annual reports of State officers, branches of the State Bank, and Benevolent Institutions, to be made to the Governor, have had the same under consideration, and have instructed me to report the same to the Senate and recommend the following amendment, after the adoption of which, recommend the passage of the bill.

Add the following to section 4: Except so far as the report of the Superintendent of Public Instruction is concerned, of which document there shall be printed one hundred copies for each of the counties whose population exceeds fifteen thousand, and for all the remaining counties, fifty copies; *and provided, further*, that fifty copies of each of the above reports shall be furnished the Governor for the purpose of exchanging with the different States and Territories, and also two hundred copies to be bound together and preserved in the State Library.

Which amendment was concurred in by the Senate, and the bill ordered to a third reading.

On motion by Mr. Gibson,  
The Senate adjourned.

TUESDAY MORNING, 9 o'clock, }  
February 1, 1853. }

The Senate assembled.

On motion by Mr. Adams,  
The reading of the journal was dispensed with.

Mr. Meeker presented the petition of sundry persons upon the subject of a turnpike road.

Which was,

On motion,  
Referred to a select committee of three.

Senators Meeker, Humphreys and Spann were appointed said committee.

#### REPORTS FROM COMMITTEES.

By Mr. Harris, from the committee on the Judiciary :

MR. PRESIDENT:

The Judiciary committee to whom was referred Senate bill No. 33, defining the punishment for mayhem, have instructed me to report the same back without amendment, and to respectfully recommend its passage.

Which report was concurred in by the Senate, and the bill ordered to be engrossed.

By Mr. Edsall, from a select committee :

MR. PRESIDENT :

The select committee to whom was referred a resolution of the Senate instructing them to inquire into and ascertain what amendments, if any, were necessary to the act entitled "an act to authorize and regulate the business of general banking," approved May 28, 1852, so as to perfect the system of general banking, and to protect the interests of the citizens of this State, have had the subject under consideration, and a majority of said committee have instructed me to report the accompanying bill.

While there is in the State of Indiana a very respectable minority opposed to all banks, your committee are of the opinion that a large majority of the citizens are (many of whom, no doubt, from expediency) in favor of the establishment of banks.

Your committee are further of the opinion, that when the question arises, as it must necessarily, what kind of banks should be established, that the majority is still greater in favor of a safe, well guarded, and a well regulated system of general banking. Feeling confident in this opinion, your committee, after a full examination, believe that such a system can be established, giving a sound currency to the people of the State, a fair and reasonable profit to the banker, and undoubted security to the bill holder. To secure this your committee have, in addition to the many other requirements of the said act, after careful inquiry, designated the stocks or bonds to be transferred to the auditor as collateral security, viz: United States' stocks, the public debt now created of the States of Indiana, Ohio, Michigan, New York, Massachusetts, Tennessee and Kentucky, or such of the said States as continue to pay the interest upon her bonds so transferred semi-annually or at any less period; requi-

ring such person or association of persons to legally transfer to the Auditor of State an amount of such stocks or bonds equal to the whole amount of the capital stock subscribed by such person or association of persons, when such person or association shall be entitled to receive from the Auditor one hundred dollars of such circulating notes, signed by the Auditor, for every one hundred and twelve dollars and fifty cents of the stocks so transferred.

Your committee are further of the opinion, that since the object sought to be attained is to give to the citizens of the State a sound, safe, and healthy currency, that such measures should be adopted to secure the desired result; your committee have therefore required such person or association to redeem their notes at their place of business in the city, town or village within this State, being the same place as set forth in their specification, and are authorized only to loan and circulate such circulating notes within the State of Indiana.

This provision it is believed will secure the circulation of such notes among the people of this State, and drive from among us the notes of foreign States which now form almost our entire circulating medium.

Your committee have also added a provision requiring all banks heretofore organized, to comply with the several provisions of this act within sixty days, or failing so to do, the auditor shall proceed to close such bank.

§ No. 49. A bill to amend the 5th, 6th, 7th and 16th sections of an act entitled an act to authorize and regulate the business of general banking, approved May 28th, 1852, and to require banks heretofore organized, and which have commenced operations under the said act, to comply with the provisions of this act.

Which was read the first time and passed to a second reading.

By Mr. Odell:

MR. PRESIDENT:

The select committee to whom was referred Senate bill No. 20, a bill to amend sections 24 and 31 of an act entitled an act to provide for the opening, vacating and change of highways, approved June 17, 1852, have had the same under consideration and have directed me to report the same back and recommend its passage, with the following amendment;

Sec. 3. That section 20 of said chapter be so amended as to read as follows: Such reviewers, having five days notice, to be given by the party remonstrating, shall meet at the time and place designated, and take an oath faithfully to discharge the duties assigned them, and shall then or any other day to which a majority may adjourn prior to the next session of such board, proceed to review the proposed highway, and assess the damages, if any, which such objector may sustain from such highway or change being opened, vacated or

continued through his lands, provided that in all cases where such highway runs through such objector's enclosed lands, said reviewers shall assess the damages at the true cash value of the additional improvements that may be necessary to be made to such enclosure by reason of such highway, and shall report the same to the ensuing session of such board.

SEC. 4. That section 32 of said chapter be so amended as to read as follows: Such reviewers, after having been notified of their appointment as viewers, and after having taken an oath to faithfully perform their duties shall proceed to examine such highway or change at a time to be fixed by such trustees, and shall assess damages in favor of any objector through whose land said road may pass, as provided in the last preceding section of this act, and shall report their proceedings to such trustees.

Which report was concurred in, the amendments adopted and the bill ordered to be engrossed.

By Mr. Harris:

MR. PRESIDENT:

The select committee to whom was referred House bill No. 37, changing the time of holding the courts in the 10th Judicial circuit, have had the same subject under consideration, and have directed me to report back the said bill without amendment, and respectfully recommend its passage.

Which was concurred in by the Senate.

#### SENATE BILLS ON SECOND READING.

No. 42. A bill to appoint J. W. Cummins an agent to proceed to Washington City and procure the re-adjustment of the three per cent. fund, and surplus revenue accounts of Indiana with the General Government, and procure the additional sum or sums of money, that may accrue to the State thereby, placed to the credit of the State upon the books of the General Government, and also provide for his compensation therefor.

Was read the second time and ordered to be engrossed.

No. 43. A bill to repeal part of the first section of an act to amend "an act to incorporate the Lake Michigan, Logansport and Ohio River Railroad Company.

Was read a second time, and,

On motion of Mr. Barnett,

Referred to the committee on Corporations.

No. 44. A bill directing how and where stocks belonging to a decedent's estate, shall be sold or distributed.

Was read the second time and ordered to be engrossed.

No. 45. A bill to amend section 23 of "an act to provide for the valuation and assessment of the real and personal property, and the collection of taxes in the State of Indiana, for the election of township assessors, and prescribing the duties of assessors, appraisers of real property, county treasurers and auditors, and Treasurer and Auditor of State," approved June 21, 1852.

Was read a second time.

Mr. Odell moved to refer the bill to a select committee.

Mr. Sullivan moved to refer to committee on Finance.

Which was agreed to.

No. 46. A bill to amend the third section of an act entitled, "an act providing for the organization of circuit courts, the election of judges thereof, and defining their powers and duties," approved June 1, 1852.

Was read the second time, and ordered to be engrossed.

No. 47. A bill to amend an act entitled "an act providing for the settlement of decedent's estates, and prescribing the rights, liabilities and duties of officers connected with the management thereof, and of the heirs thereto, and certain forms to be used in such settlement," approved June 17, 1852.

Was read the second time; and,

On motion by Mr. Gibson,

Referred to the Judiciary committee.

No. 48. A bill to repeal certain acts therein named.

Was read the second time.

On motion by Mr. Gibson,

The bill was amended by inserting the word "general," before the word "provision" in the first division of the first section, and by striking out "7" and inserting "9," in the same division and section;

And was then ordered to be engrossed.

#### HOUSE BILLS ON SECOND READING.

No. 7. A bill to change the time of holding the terms of the circuit courts for the several counties in the fifth judicial circuit.

Was read the second time by its title; and,

On motion by Mr. Gibson,

Referred to a select committee composed of the Senators from the 5th judicial circuit, Mr. Hosbrook, chairman of said committee.

No. 53. A bill amendatory of the 6th section of an act entitled "an act to authorize and limit allowances by courts and boards,

and drafts upon county treasurers," approved May 27, 1852, and to authorize allowances to poor persons in certain cases,

Was read the second time by the title; and,

On motion by Mr. Gibson,

Referred to the committee on County and Township Business.

No. 13. A bill to amend an act entitled "an act providing for the appointment of notaries public and defining their powers and duties," approved June 9, 1852, amending section two, and repealing section three of said act,

Was read a second time by the title; and,

On motion by Mr. Gibson,

Referred to the committee on the Judiciary.

The following message was received from his excellency the Governor, by his private Secretary, Mr. King:

MR. PRESIDENT:

I am directed by the Governor to inform the Senate that he has approved and signed the following bills, to-wit:

No. 6. An act requiring county treasurers to keep their offices in fire proof buildings, where the same have been provided by the county board.

No. 14. An act to prevent the forfeiture of the charter of any mining or manufacturing companies within this State, on account of irregularities in the time and place of the meeting of stockholders or directors, or in the election of officers, or for having subscribed stock in, or made loans to any other incorporate company in this State.

Which bills originated in the Senate.

#### BILLS ON THIRD READING.

Senate bill No. 31. A bill to repeal sections 36 and 37 of an act entitled "an act to establish courts of common pleas, and defining the jurisdiction and duties of, and providing compensation for the judges thereof," approved May 14, 1852;

Was read a third time.

The question being on the passage of the bill.

Pending which,

Mr. Barnett moved that the Senate adjourn,

Which was decided in the negative.

The question then recurred on the passage of the bill.

*Those who voted in the affirmative were,*

Messrs. Adams, Anthony, Black, Butler, Combs, Cox, Cutshaw,

Edsall, Edwards, Gibson, Glazebrook, Griggs, Gordon, Hall, Hawthorn, Hosbrook, Jackson of Madison, Jackson of Tipton, Meeker, Powell, Richardson, Shallenberger, Shook, Simpson, Slater, Sullivan, Vandeventer, Williams, Wilson of Harrison and Witherow—30.

*Those who voted in the negative were,*

Messrs. Barnett, Brookshire, Gant, Greathouse, Harris, Hendry, Horton, Humphreys, Kightley, Morrison, Odell, Reynolds, Roberts, Shields and Spann—15.

So the bill passed.

Ordered that the Secretary inform the House thereof.

On motion,

The Senate adjourned until 2 o'clock, P. M.

2 o'clock, P. M.

The Senate assembled.

Senate bill No. 36. A bill providing for serving process upon the officers, directors, attorneys or agents of any railroad company,

Was read the third time; when,

On motion by Mr. Sullivan,

The bill was laid on the table.

Senate bill No. 39. A bill giving circuit courts jurisdiction in all cases of misdemeanor pending before them when the Revised Code of 1852, shall take effect,

Was read the third time.

The question being on the passage of the bill,

*Those who voted in the affirmative were,*

Messrs. Adams, Anthony, Barnett, Black, Brookshire, Brown, Butler, Brown, Combs, Cox, Cutshaw, Edsall, Edwards, Gant, Gibson, Glazebrook, Griggs, Gordon, Hall, Harris, Hawthorn, Hendry, Horton, Hosbrook, Humphreys, Jackson of Madison, Jackson of Tipton, Kightley, Meeker, Morrison, Odell, Powell, Reynolds, Richardson, Roberts, Shallenberger, Shields, Simpson, Slater, Spann, Sullivan, Vandeventer, Williams, Wilson of Harrison, Wilson of Jay and Witherow—46.

No Senator voted in the negative.

So the bill passed.

Ordered that the Secretary inform the House thereof.

Senate bill No. 40. A bill to amend an act entitled "an act regulating the fees of officers," approved June 15, 1852.

Was read a third time.

Mr. Hendry moved to refer the bill to a select committee with the following instructions, add to section two:

*Provided*, That no county auditor or treasurer shall be entitled to receive in any one year out of the county treasury for their services as such auditor or treasurer, more than the following sums to-wit:

In counties where the population does not exceed 6,000 inhabitants, \$500.

In counties where the population is over 6,000 and under 10,000, \$600.

In counties where the population is over 10,000, and under 15,000, \$700.

In counties where the population is over 15,000, \$800.

Strike out so much from section 2 as relates to the treasurers receiving a per centage or commission for receiving and paying over certificates or receipts for taxes, or work done on roads or highways.

Which was not agreed to.

Mr. Wilson of Harrison moved to lay the bill on the table.

Which motion prevail.

On motion by Mr. Edwards,

Joint resolution of the Senate No. 4, a joint resolution in regard to a right of way, was taken from the table.

Mr. Barnett moved to recommit the joint resolution with the following instructions:

Strike out from the resolving clause and insert:

That our Senators in Congress be instructed, and our Representatives requested, to use their exertions to procure the passage of an act of Congress releasing to the New Albany and Salem railroad company a right of way over any of the public lands where said company may construct its road; and also releasing to any railroad company, whether incorporated by special charter, or organized under a general law, a right of way over any of the public lands where said company shall construct its road.

A division of the question was called for.

The President decided the question indivisible;

From which decision Mr. Gibson took an appeal.

The decision of the chair was sustained.

The question then being on recommitting with instructions,

The ayes and noes were demanded by Senators Harris and Odell.

*Those who voted in the affirmative were,*

Messrs. Barnett, Black, Combs, Gordon, Hall, Harris, Hawthorn, Hendry, Horton, Hosbrook, Jackson of Madison, Jackson of Tipton,

Meeker, Odell, Powell, Richardson, Shallenberger, Shook, Simpson, Slater, Spann, Vandeventer and Williams—23.

*Those who voted in the negative were,*

Messrs. Adams, Anthony, Barton, Brookshire, Butler, Cox, Cutshaw, Edsall, Edwards, Gant, Gibson, Glazebrook, Greathouse, Griggs, Humphreys, Kightley, Morrison, Reynolds, Roberts, Shields, Sullivan, Wilson of Harrison, Wilson of Jay, and Witherow—24.

So the joint resolution was not recommitted.

The question then recurring on the passage of the joint resolution,

*Those who voted in the affirmative were,*

Messrs. Adams, Anthony, Barton, Brookshire, Butler, Combs, Cox, Cutshaw, Edsall, Edwards, Gant, Gibson, Glazebrook, Greathouse, Griggs, Hall, Hawthorn, Humphreys, Jackson of Tipton, Kightley, Meeker, Morrison, Powell, Reynolds, Roberts, Shields, Shook, Sullivan, Vandeventer, Wilson of Harrison, Wilson of Jay, and Witherow—32.

*Those who voted in the negative were,*

Messrs. Barnett, Black, Gordon, Harris, Hendry, Horton, Hosbrook, Jackson of Madison, Odell, Richardson, Shallenberger, Simpson, Slater, Spann, and Williams—15.

So the joint resolution was passed.

Ordered, that the Secretary inform the House thereof.

Mr. Shook moved to reconsider the vote on the passage;  
Which was decided in the negative.

House bill No. 35, a bill to provide for annual reports of State officers, branches of State Bank and Benevolent Institutions to be made to the Governor,

Was read a third time.

And the question being on the passage of the bill,

*Those who voted in the affirmative were,*

Messrs. Adams, Anthony, Barnett, Black, Brookshire, Butler, Combs, Cox, Cutshaw, Edsall, Gant, Gibson, Glazebrook, Greathouse, Griggs, Gordon, Hall, Hawthorn, Horton, Hosbrook, Humphreys, Jackson of Madison, Jackson of Tipton, Kightley, Meeker, Morrison, Powell, Reynolds, Richardson, Roberts, Shallenberger, Spann, Sullivan, Wilson of Harrison, Wilson of Jay, and Witherow—37.

*Those who voted in the negative were,*

Messrs. Harris, Odell, Shook and Slater—4.

So the bill passed.

Ordered that the Secretary inform the House thereof.

House bill No. 43. A bill to fix the time of holding courts in the ninth Judicial circuit and the length of the terms.

Was read a third time.

And the question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Adams, Anthony, Barnett, Barton, Black, Brookshire, Butler, Combs, Cox, Cutshaw, Edsall, Edwards, Gant, Gibson, Glazebrook, Greathouse, Griggs, Gordon, Hall, Harris, Hawthorn, Hendry, Horton, Hosbrook, Humphreys, Jackson of Madison, Jackson of Tipton, Kightley, Meeker, Morrison, Odell, Powell, Reynolds, Richardson, Roberts, Shallenberger, Shields, Shook, Simpson, Slater, Spann, Sullivan, Vandeventer, Wilson of Harrison, Wilson of Jay, and Witherow—46.

No Senator voting in the negative.

So the bill passed.

Ordered, that the Secretary inform the House thereof.

The following message was received from the House of Representatives, by Mr. Bowes, their Clerk:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House have passed the following engrossed bills thereof:

No. 44. A bill to amend an act entitled an act to authorize boards doing county business to declare water courses navigable.

No. 49. A bill to authorize voluntary associations to hold and convey property, and to pass and enforce by-laws for their benefit.

No. 52. A bill to amend an act for the incorporation of towns, defining their powers, providing for the election of the officers thereof, and declaring their duties, approved June 11, 1852.

Bill No. 55. A bill to amend an act entitled an act for the government of the Indiana Hospital for the Insane, approved June 15, 1852.

No. 57. A bill to attach township number one, north of range eight west, and sections number 31, 32, 33, 34, 35 and 36, in township num-

ber two north, of range number eight west, now constituting a part of the county of Knox to the county of Pike.

Bill No. 65. A bill to amend an act entitled an act in relation to county treasurers, approved June 4, 1852.

No. 69. A bill to amend an act entitled an act to enable trustees to receive lands and donations, and convey the same, for the use of schools, churches, religious societies, Masonic and Odd Fellows' Lodges, Sons and Daughters of Temperance, and for the construction of cemeteries, Houses of worship or other buildings therein mentioned, approved June 17, 1852.

In which the concurrence of the Senate is respectfully requested.

Bills Nos. 44, 49, 52, 55, 57, 65 and 69, contained in the foregoing message, were severally read the first time and passed to a second reading.

On motion by Mr. Edsall,

The vote ordering bill No. 37, a bill to change the time of holding circuit courts in the tenth judicial circuit, to a third reading,

Was reconsidered; and,

On motion by Mr. Edsall,

Referred to a select committee composed of the Senators from the tenth judicial circuit, of which committee Mr. Edsall was appointed chairman.

By unanimous consent,

Mr. Humphreys obtained leave and introduced

No. 50. A bill to fix the salaries of the supreme judges;

Which was read the first time, and passed to a second reading.

By unanimous consent,

Mr. Slater obtained leave and introduced

Mo. 51. A bill to provide for the election of a physician to Asylums for the Blind and Deaf and Dumb, and fixing his compensation, and defining his duties,

Which was read the first time and passed to a second reading.

On motion by Mr. Slater,

The Senate adjourned.

WEDNESDAY MORNING. 9 o'clock, }  
February 2, 1853. }

The Senate Assembled.

On motion by Mr. Hosbrook,  
The reading of the journal was dispensed with.

PETITIONS AND MEMORIALS.

By Mr. Meeker:

The petition of sundry citizens of Liberty, in Union county, on  
the subject of the manufacture and sale of ardent spirits;

Which was,

On motion,

Referred to the committee on that subject.

By Mr. Hosbrook:

The petition of sundry colored persons of this State, praying that  
a portion of the common school funds be set apart for their use;

Which was,

On motion,

Referred to the committee on Education.

By Mr. Brookshire:

A petition of sundry citizens of this State on the subject of the  
manufacture and sale of ardent spirits;

Which was,

On motion,

Referred to the committee on Temperance.

By Mr. Hawthorn:

The petition of thirty-six citizens of this State, on the subject of  
the liquor traffic;

Which was,

On motion,

Referred to the Temperance committee.

By Mr. Sullivan:

The petition of numerous citizens of Jefferson county, on the sub-  
ject of temperance;

Which was,

On motion,

Referred to the committee on that subject.

## REPORTS FROM COMMITTEES.

By Mr. Edsall, chairman of the committee on Canals and Internal Improvements:

MR. PRESIDENT:

The committee on Canals and Internal improvements, to whom was referred a communication from the lessees of water-power on the Central Canal, asking the General Assembly to pass a law authorizing the petitioners to bring a suit against the State, have had the same under consideration, and are of the opinion that the petitioners, now have legal recourse upon the bond of Conwell, they have therefore directed me to report that legislation upon said petition is inexpedient, and recommend that the same be laid on the table.

Which report was concurred in, and the communication laid on the table.

By Mr. Edsall, from a select committee:

MR. PRESIDENT:

The select committee on Banks to whom was referred Senate bill No. 27, "an act imposing further restrictions, and regulating the business of banking in Indiana," have had the same under consideration, and have directed me to report the same back with a recommendation that the same be laid upon the table.

On motion by Mr. Sullivan,

The bill was referred to the committee of the whole Senate, and made the special order of the day for to-morrow at 2 o'clock, P. M.

By Mr. Greathouse, from a select committee:

MR. PRESIDENT:

The select committee to whom was referred Senate bill No. 28, a bill to amend the second section of an act entitled, "an act to provide for a general and uniform system of common schools and school libraries, and matters properly connected therewith," approved June 14, 1852, have directed me to report the same back and recommend its passage.

On motion by Mr. Adams,

The bill was recommitted to the committee on Education.

## ORDERS OF THE DAY.

*Bills on Second Reading.*

Senate bill No. 49. A bill to amend the fifth, sixth, seventh, and sixteenth sections of an act entitled, "an act to authorize and regulate the business of general banking," approved May 28, 1852, and to require banks heretofore organized and which have commenced operations under the said act to comply with the provisions of this act.

Was read a second time;

Mr. Sullivan moved to refer the bill to the committee of the whole Senate, and be made the special order of the day for Monday next at 2 o'clock, P. M., and that 150 copies be printed.

Which was not agreed to.

Mr. Spann submitted the following amendment:

Strike out  $12\frac{1}{2}$  and insert 20 per cent.

Mr. Barnett moved to lay the amendment of Mr. Spann on the table;

Upon which the ayes and noes were demanded by Messrs. Spann and Adams.

*Those who voted in the affirmative were,*

Messrs. Barnett, Barton, Butler, Edsall, Greathouse, Griggs, Gordon, Jackson of Madison, Jackson of Tipton, Meeker, Odell, Reynolds, Shallenberger, Sullivan, and Williams—15.

*Those who voted in the negative were,*

Messrs. Adams, Anthony, Brookshire, Combs, Cox, Cutshaw, Gant, Glazebrook, Hall, Harris, Hawthorn, Hendry, Horton, Hosbrook, Humphreys, Kightley, Morrison, Powell, Richardson, Roberts, Shook, Simpson, Slater, Spann, Vandeventer, Wilson of Harrison, Wilson of Jay, and Witherow—28.

So the amendment was not laid on the table.

Mr. Wilson of Harrison moved to amend the amendment of Mr. Spann, by striking out 20, and insert 40.

Mr. Black moved to lay the bill and amendments on the table and that 150 copies be printed.

A division of the question was called for;

And the question was first taken on printing;

Which was decided in the affirmative.

The question then being on laying on the table,

Was also decided in the affirmative.

Senate bill No. 50. A bill to fix the salaries of the judges of the supreme court;

Was read a second time; and,

On motion by Mr. Anthony,

Referred to the committee on the Organization of Courts.

Senate bill No. 51. An act to provide for the election of a physician to Asylums for the Blind, and Deaf and Dumb, and fixing his compensation and defining his duties,

Was read a second time and ordered to be engrossed.

#### HOUSE BILLS ON SECOND READING.

No. 44. An act to amend an act entitled an act to authorize boards doing county business to declare water courses navigable,

Was read a second time; and,

On motion by Mr. Adams,

Referred to the committee on Roads.

No. 49. A bill to authorize voluntary associations to hold and convey property, and to pass and enforce by-laws for their benefit,

Was read a second time; and,

On motion by Mr. Anthony,

Referred to the committee on Corporations.

No. 52. A bill to amend an act entitled an act for the incorporation of towns, defining their powers, providing for the election of the officers thereof, and declaring their duties, approved June 11, 1852,

Was read a second time by the title; and

On motion by Mr. Humphreys,

Referred to the committee on Corporations.

No. 55. An act to amend an act entitled "an act for the government of the Indiana Hospital for the Insane," approved June 15, 1852,

Was read the second time by the title; and,

On motion by Mr. Adams,

Referred to the committee on Benevolent Institutions.

No. 57. A bill to attach township No. 1, north of range 8 west, and sections Nos. 31, 32, 33, 34, 35 and 36 in township No. 2 north of range number 8 west, now constituting a part of the county of Knox, to the county of Pike.

Was read a second time; and,

On motion by Mr. Barton,

Referred to a select committee.

Senators Barton, Hawthorn, Sullivan, Morrison and Edsall were appointed said committee.

No. 65. A bill to amend an act entitled "an act in relation to county treasurers," approved June 4, 1852.

Was read the second time, and ordered to a third reading.

No. 69. A bill to amend an act entitled "an act to enable trustees to receive lands and donations and convey the same, for the use of schools, churches, religious societies, Masonic and Odd Fellows' Lodges, Sons and Daughters of Temperance, and for the construction of cemeteries, houses of worship or other buildings therein mentioned," approved June 17, 1852.

Was read the second time; and,

On motion by Mr. Shields,

Referred to the Judiciary committee.

#### SENATE BILLS ON THIRD READING.

No. 20. A bill to amend sections 24 and 31 of an act entitled "an act to provide for the opening, vacating and change of highways," approved June 17, 1852.

Was read a third time; and,

On motion by Mr. Sullivan,

The bill was laid on the table.

No. 33. A bill to amend section 3 of an act entitled "an act defining misdemeanors, and prescribing punishment therefor," approved June 14, 1852,

Was read the third time;

And the question being, shall the bill pass?

*Those who voted in the affirmative were.*

Messrs. Adams, Anthony, Barnett, Barton, Brookshire, Butler, Combs, Cox, Cutshaw, Edsall, Edwards, Gant, Gibson Glazebrook, Griggs, Gordon, Hall, Harris, Hawthorn, Hendry, Horton, Hosbrook, Humphreys, Jackson of Madison, Jackson of Tipton, Kightley, Meeker, Morrison, Odell, Powell, Reynolds, Roberts, Shallenberger, Shook, Simpson, Slater, Spann, Sullivan, Vandeventer, Williams, Wilson of Harrison, Wilson of Jay and Witherow—43.

No Senator voting in the negative.

So the bill passed.

Ordered that the Secretary inform the House thereof.

No. 42. A bill to appoint J. W. Cummins an agent to proceed to Washington city, and procure the readjustment of the three per cent. fund, and surplus revenue accounts of Indiana with the General Government, and procure the additional sum or sums of money that may accrue to the State thereby, placed to the credit of the

State upon the books of the General Government; and also, to provide for his compensation therefor,

Was read a third time.

And the question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Adams, Anthony, Black, Brookshire, Butler, Combs, Cox, Cutshaw, Edsall, Edwards, Gant, Gibson, Glazebrook, Greathouse, Griggs, Gordon, Hall, Hawthorn, Hendry, Hosbrook, Humphreys, Jackson of Madison, Jackson of Tipton, Kightley, Meeker, Morrison, Odell, Powell, Reynolds, Richardson, Roberts, Shallenberger, Shields, Simpson, Slater, Spann, Sullivan, Williams, Wilson of Harrison, Wilson of Jay and Witherow—41.

*Those who voted in the negative were,*

Messrs. Barnett, Harris, Horton and Shook.

So the bill passed.

Ordered that the Secretary inform the House thereof.

No. 44. A bill directing how and when stocks belonging to a decedent's estate, shall be sold or distributed.

Was read a third time.

And the question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Adams, Anthony, Barnett, Brookshire, Butler, Combs, Cox, Cutshaw, Edsall, Edwards, Gibson, Glazebrook, Greathouse, Griggs, Gordon, Hall, Harris, Hawthorn, Horton, Hosbrook, Humphreys, Jackson of Madison, Jackson of Tipton, Kightley, Meeker, Odell, Powell, Reynolds, Richardson, Roberts, Shallenberger, Shields, Shook, Simpson, Slater, Spann, Sullivan, Vandeventer, Williams, Wilson of Harrison, Wilson of Jay and Witherow—42.

Mr. Gant voted in the negative.

So the bill passed.

Ordered that the Secretary inform the House thereof.

No. 46. A bill to amend the third section of an act entitled an act providing for the organization of circuit courts; the election of judges thereof, and defining their powers and duties, approved June 1, 1852,

Was read a third time.

And the question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Adams, Anthony, Barnett, Barton, Brookshire, Butler,

Combs, Cox, Cutshaw, Edwards, Gant, Gibson, Glazebrook, Great-house, Griggs, Gordon, Hall, Harris, Hawthorn, Hendry, Horton, Hosbrook, Humphreys, Jackson of Madison, Jackson of Tipton, Kightley, Meeker, Odell, Powell, Reynolds, Richardson, Roberts, Shallenberger, Shields, Shook, Simpson, Slater, Spann, Vandeventer, Williams, Wilson of Harrison, Wilson of Jay and Witherow—43.

No Senator voted in the negative.

So the bill passed.

Ordered that the Secretary inform the House thereof.

No. 48. A bill to repeal certain acts therein named,

Was read a third time.

And the question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Adams, Anthony, Barnett, Brookshire, Butler, Combs, Cox, Cutshaw, Edsall, Gant, Gibson, Glazebrook, Griggs, Gordon, Hall, Harris, Hawthorn, Hendry, Horton, Hosbrook, Humphreys, Jackson of Madison, Jackson of Tipton, Kightley, Meeker, Odell, Powell, Reynolds, Richardson, Roberts, Shallenberger, Shook, Simpson, Slater, Spann, Vandeventer, Williams, Wilson of Harrison, Wilson of Jay and Witherow—41.

No Senator voting in the negative.

So the bill passed.

Ordered that the Secretary inform the House thereof.

The following message from the House of Representatives was taken up:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House have passed the following engrossed joint resolution thereof:

No. 19. A joint resolution relative to the Michigan City harbor.

No. 20. A joint resolution relating to the construction of a canal around the falls of the Ohio.

In which the concurrence of the Senate is respectfully requested.

Joint resolution Nos. 19 and 20 contained in the message, were each read the first time and ordered to a second reading.

Also the following message from the House of Representatives was taken up:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate, that the House have passed the following engrossed bills thereof:

Bill No. 51. A bill to amend an act entitled an act to provide for the organization of county boards, and prescribing some of their powers and duties, approved June 17, 1852.

Bill No. 59. A bill to prevent and punish frauds in the use of false stamps and labels.

In which the concurrence of the Senate is respectfully requested.

Bills Nos. 51 and 59 contained in the message were severally read the first time and ordered to a second reading.

Mr. Cox chairman of the committee on Enrolled Bills, made the following report:

MR. PRESIDENT:

The committee on Enrolled Bills have compared the enrolled with the engrossed copy of bill No. 13, a bill to amend an act entitled an act to authorize the formation of voluntary associations, approved May 13, 1852, and find the same correctly enrolled.

On motion by Mr. Wilson of Harrison,  
The Senate adjourned until 2 o'clock.

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2 o'clock, P. M.

The Senate assembled.

The following message from the House of Representatives, was taken up:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House has passed the following bills thereof.

Bill No. 22. An act to repeal section six of an act entitled, "an act defining felonies and prescribing punishments therefor," approved June 10, 1852.

And bill No. 28. An act to repeal an act entitled "an act for the relief of certain land owners within the corporate limits of the city of Rising Sun, in Ohio county," approved January 5, 1852.

No. 42. A bill to amend an act entitled "an act to establish and regulate ferries," approved June 17, 1852.

No. 46. A bill to amend an act entitled "an act for the incorporation of insurance companies, defining their powers and prescribing their duties," approved June 17, 1852.

No. 47. A bill to authorize the relocation of the seat of justice of the county of Clay, and to authorize the receiving of subscriptions and donations for the erection of the public buildings in said county; and bill

No. 72. A bill to provide for the compensation of township assessors.

In which the concurrence of the Senate is respectfully requested.

Bills Nos. 22, 28, 42, 46, 47 and 72, contained in the message were severally read the first time and ordered to a second reading.

The President laid before the Senate the following communication from his Excellency the governor:

EXECUTIVE DEPARTMENT, }  
February 2d, 1853. }

HON. A. P. WILLARD,

*President of the Senate:*

SIR:—You will please to lay the within communication before the Senate.

The subjects enumerated by Mr. Patterson, the lessee of the prison, in the enclosed communication are justly entitled to the immediate attention of the General Assembly, and I trust it will receive the consideration that its importance demands.

Very respectfully,

JOSEPH A. WRIGHT.

JOSEPH A. WRIGHT,

*Governor of the State of Indiana:*

SIR:—The number of convicts now in the State Prison being greater than the number of cells provided for their safe keeping, a necessity arises that their number be increased.

The convicts now in prison number two hundred and twenty-five, the number of cells being one hundred and ninety-eight, fourteen of which were provided for the confinement of female convicts.

If an additional cell house containing one hundred cells be now provided, with the probable convictions during the next five or six years, would at the end of that period fully fill such addition, or even a greater number of cells.

I would also respectfully suggest to your Excellency that there are now no funds provided to pay the amount allowed by law to discharged convicts.

I would also respectfully request that your Excellency would recommend the passage of a law, appointing some person qualified, to estimate the work done by me, at the prison for the State prior to the 27th day of February, 1852, and that the sum of ——— dollars be appropriated to pay monthly estimates to be hereafter made.

Yours respectfully,

S. H. PATTERSON,

*Lessee Indiana State Prison.*

Which communication was, -

On motion by Mr. Edwards,

Referred to the committee on State Prison.

By unanimous consent of the Senate,  
Mr. Gibson introduced,

No. 52. A bill to prevent railroad companies from establishing depots or laying tracks nearer than six hundred yards to streams usually navigated by steamboats, at or near any incorporated city of 2500 inhabitants, situate on such stream, without the consent of the common council of such city.

Which was read the first time and passed to a second reading.

Mr. Gibson moved to adjourn;

Which was decided in the negative.

On motion by Mr. Humphreys,

The vote taken on the passage of Senate bill No. 42, a bill to appoint J. W. Cummins an agent to proceed to Washington City and procure the re-adjustment of the three per cent. fund, and surplus revenue accounts of Indiana, with the General Government, and procure the additional sum or sums of money that may accrue to the State thereby placed to the credit of the State upon the books of the General Government, and also to provide for his compensation therefor, was reconsidered, and the bill laid on the table.

On motion by Mr. Gordon,

The Senate adjourned until to-morrow morning, 9 o'clock.

THURSDAY MORNING 9 o'clock, }  
February 3, 1853. }

The Senate assembled.

On motion by Mr. Humphreys,

The reading of the journal was dispensed with.

Mr. Anthony presented a petition from Rolling Prairie temperance society in Laporte county, on the subject of the liquor traffic.

Which was,

On motion,

Referred to the committee on Temperance.

The following message was received from the House of Representatives by Mr. Bowes their Clerk:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House have concurred in the amendments of the Senate to the House bill No. 35, an act to provide for annual reports of State officers, Branches of State Bank, and benevolent institutions, to be made to the Governor.

#### REPORTS FROM COMMITTEES.

By Mr. Jackson of Madison, from the Judiciary committee:

MR. PRESIDENT:

The Judiciary committee, to whom was referred bill of the House No. 69, to amend an act entitled an act to enable trustees to receive lands and donations, and convey the same for the use of schools, churches, religious societies, Masonic and Odd Fellows' Lodges, Sons and Daughters of Temperance, and for the construction of cemeteries, houses of worship, or other buildings therein mentioned, have had the same under consideration, and have directed me to report the same to the Senate and recommend its passage.

Which bill was read the second time, and ordered to a third reading.

By Mr. Harris, from the Judiciary committee:

MR. PRESIDENT:

The Judiciary committee, to whom was referred House bill No. 18, "a bill to repeal section 276. article 14, of the Revised Statutes of 1852," have had that subject under consideration, and have

instructed me to report back said bill, and respectfully recommend its indefinite postponement.

Which report was concurred in, and the bill indefinitely postponed.

By Mr. Gibson, chairman of the Judiciary committee:

MR. PRESIDENT:

The committee on the Judiciary, who were directed to inquire into the expediency of providing by general law for suits against the State, have had that subject under consideration, and have directed me to report that, in their opinion, common justice to our citizens demand the passage of such a law, and have directed me to report the following bill, and recommend its passage:

No. 53. A bill authorizing and regulating suits against the State; Which was read the first time and passed to a second reading.

By Mr. Spann, chairman of the committee on Military Affairs:

MR. PRESIDENT:

The committee on Military Affairs, to whom was referred joint resolution No. 15 of the House, asking Congress to grant John Linsey and James Elliott, soldiers in the war of 1812, pensions for their services as such, have had the same under consideration, and have directed me to report the same back to the Senate without amendment, and recommend its passage.

Which report was concurred in, and the joint resolution passed to a third reading.

By Mr. Gibson, chairman of the committee on the Judiciary:

MR. PRESIDENT:

The Judiciary committee, to whom was referred the communication of the Reverend G. M. Boyd, on behalf of the Methodist Conference, relative to the subject of protecting religious meetings from disturbance, have had that subject under consideration, and have directed me to report the following bill, and recommend its passage.

No. 54. A bill to amend the 37th section of an act entitled "an act defining misdemeanors, and prescribing punishment therefor," approved June 14, 1852.

Which was read the first time and passed to a second reading.

By Mr. Barton, chairman of the committee on Benevolent Institutions:

MR. PRESIDENT:

The committee on Benevolent Institutions, to whom was referred

a resolution of the Senate, directing them to inquire into the expediency of replenishing the library of the Hospital for the Insane, have had the same under consideration, and have directed me to report as follows:

While the committee are strongly inclined to contribute every necessary assistance to the proper management of the Hospital, and the comfort of its unfortunate inmates, the fact staring them in the face that the buildings already erected are not capable of containing more than half the number of persons applying for admission, demands that all appropriations to the Institution, besides those for its ordinary and legitimate expenditure, should be applied to the erection of more, or additions to the old buildings, until the unfortunate insane of the State are provided with an appropriate abiding place, when it will be time enough to make the provision contemplated in the resolution. Your committee beg leave to report that it is inexpedient to legislate in the premises.

Which report was concurred in.

By Mr. Horton, chairman of the committee on County and Township Business:

**MR. PRESIDENT:**

The committee on County and Township Business to whom was referred House bill No. 53, an act amendatory of an act entitled "an act to authorize and limit allowances by courts and boards and drafts upon county treasurers," approved May 27, 1852, and to authorize allowances to poor persons in certain cases, have had the same under consideration, and have instructed me to report the same back without amendment and respectfully recommend its passage.

Which was concurred in,

The bill read a second time and ordered to a third reading.

By Mr. Edsall, from a select committee:

**MR. PRESIDENT:**

The select committee to whom was referred House bill No. 37, a bill to fix the time of holding circuit courts in the 10th judicial circuit, have had the same under consideration and directed me to report the same back, with the following amendments, and when so amended respectfully recommend its passage.

Amend the first section of House bill No. 37, as follows:

Strike out all of section 1, after the words, "to-wit," in the 5th line of said section to the word "Wells" inclusive, in the 14th line, and insert the following:

The courts in the county of Adams shall commence on the 2d Mondays of February and August in each year; in the county of Wells, on the Mondays succeeding the courts in the county of Adams; in the county of Allen on the Monday succeeding the courts in the county of Wells; in the county of Whitley on the Mondays succeeding the courts in the county of Allen.

*Provided, however,* That the spring terms for 1853, of said court shall be held in the following counties as follows:

In the county of Allen on the 1st Monday in February; in the county of Adams on the 4th Monday in February; in the county of Wells on the 1st Monday in March; in the county of Whitley on the 2d Monday in March.

Which report was concurred in,

The amendments adopted and the bill passed to a third reading.

By Mr. Meeker, from a select committee:

**MR. PRESIDENT:**

The select committee to whom was referred a petition of sundry citizens of Fayette county, asking further extension of their charter for a turnpike company from Milton to Waterloo, have had that subject under consideration and have directed me to report the following bill and recommend its passage.

No. 55. A bill to extend the time allowed the Milton and Waterloo Turnpike Company to finish said road, and to amend the 15th section of an act entitled "an act for the incorporation of the Milton and Waterloo Turnpike Company," approved February 11, 1848.

Which bill was read the first time and passed to a second reading.

By Mr. Wilson of Harrison from a select committee.

**MR. PRESIDENT:**

The select committee to which was referred a resolution inquiring into the propriety of making, in some suitable way, the spot in which has been deposited the remains of the Hon. Andrew Kennedy, late a member of Congress, and of the Senate of Indiana, have had the same under consideration, and have directed me to report the following joint resolution:

No. 7. A joint resolution in relation to the marking in some suitable manner, the spot in which has been deposited the remains of Andrew Kennedy.

Was read the first time and passed to a second reading.

By Mr. Butler from a select committee:

MR. PRESIDENT:

A majority of the select committee to whom was recommitted Senate bill No. 7, a bill to authorize railroad companies to connect with railroads in an adjoining State to consolidate their capital stock, and to authorize railroads to construct roads they may have surveyed and located, with instructions to inquire whether said bill will not have the effect to revive various forfeited railroad charters, and also, as to the constitutionality of said bill, without expressing opinions upon said question have directed me to report the same back to the Senate with the following amendments thereto, which, when so concurred in, they recommend its passage: amend section 1 by adding the following:

*Provided*, Their charters authorize said railroad to go to the State line.

Amend section 4 by adding the following:

*Provided*, That nothing herein contained shall be construed to extend to any companies under special charters, except such as are now organized, and have actually constructed some portion of said railroad.

Which amendments were concurred in by unanimous consent.

When,

On motion by Mr. Cutshaw,

The bill was laid on the table.

By Mr. Witherow from the Judiciary committee.

MR. PRESIDENT:

The committee on the Judiciary to whom was referred House bill No. 29 entitled "an act to revise, simplify and abridge the rules, practice, pleadings and forms in criminal actions in the courts in this State," approved June 17, 1852, have considered the same, and have directed me to report it back with the two amendments, on the adoption of which, they recommend its passage.

1st. Strike out the original bill from the enacting clause and insert the following in lieu thereof:

That section 119 of the act in the title of this act referred to, be amended to read as follows, to-wit:

SEC. 119. The prosecuting attorney may except to any opinion of the court during the prosecution of any cause, and reverse the point of law for the decision of the supreme court. The bill of exceptions must state clearly, so much of the record and proceedings as may be necessary for a fair statement of the question reserved. In case of the acquittal of the defendant, the prosecuting attorney may take the reversed case to the supreme court upon an appeal, at any time within one year. The supreme court is not authorized to

reverse the judgment upon such appeal, but only to pronounce an opinion upon the correctness of the decision of the court below. The opinion of the supreme court shall be binding upon the inferior courts, and shall be a uniform rule of decision therein.

2d. Amend the title of the bill by striking out the words, "repeal part of," in the first line, and insert the word "amend."

Which report was concurred in,

The amendments adopted and the bill ordered to a third reading.

By Mr. Sullivan, chairman of the committee on Finance:

MR. PRESIDENT:

The committee on Finance to whom was referred bill No. 45, a bill to amend section 23 of "an act to provide for the valuation and assessment of real and personal property, and the collection of taxes in the State of Indiana, for the election of township assessors, and prescribing the duties of assessors and appraisers of real property, county treasurers and auditors, and the treasurers and auditor of State," approved January 21, 1852, have had the same under consideration, and a majority of said committee direct me to report the same back to the Senate without amendment, and recommend its passage.

Which report was concurred in,

And the bill ordered to a third reading.

By Mr. Griggs, from the Judiciary committee:

MR. PRESIDENT:

The committee on the Judiciary to which was referred bill of the House No. 45, entitled "an act to amend an act touching official bonds and oaths," approved June 9, 1852, have had the same under consideration and directed me to report the same back, and recommend its passage.

Which report was concurred in,

The bill read a second time and ordered to a third reading.

The President laid before the Senate the following communication from Rev. J. Mitchell, Agent of the Colonization Society:

INDIANAPOLIS, JANUARY 29, 1853.

HON. A. P. WILLARD,

*President of the Senate:*

DEAR SIR:—I have the honor to submit the following statement, in answer to a resolution of inquiry adopted by your body on the 14th inst., requiring an exhibit of the state of the colonization enterprise.

Yours, with respect,

J. MITCHELL.

Which statement was,

On motion by Mr. Edwards,  
Laid on the table, and 2000 copies ordered to be printed.

#### RESOLUTIONS INTRODUCED.

Mr. Harris submitted the following resolution:

*Resolved*, That the Auditor of State be requested to report to the Senate the probable amount, in items, of the fees and perquisites of his office, for the ensuing two years, exclusive of those arising from the free banking business; also, the number of bills of the free banks now on hand requiring his signature, the time it will require him to sign the same, and the compensation he will receive therefor per thousand bills; and, also, whether, in his opinion, the time required for the signature of such bills, and the transaction of other duties connected with the business of free banking, will not prevent him from attending properly to the regular duties of his office, and what amount he will have to pay out for clerk hire.

On motion by Mr. Gibson,  
The resolution was laid on the table.

On motion by Mr. Wilson of Harrison,

*Resolved*, That the Auditor of State be requested to inform the Senate why a report has not been made in compliance with a resolution adopted by the Senate on Saturday the 22d ult.

On motion by Mr. Odell,

*Resolved*, That the Senate will, the House concurring therein, go into the election of State Agent on Monday next, at 2 o'clock, P. M.

On motion by Mr. Brookshire,

*Resolved*, That the committee on Roads be instructed to inquire into the expediency of so amending section 4, chapter 102, of the Revised Statutes of 1852, in reference to fines and forfeitures of supervisors going to the benefit of the township, be so amended that such fines or forfeitures shall be paid into the road district where such supervisor resides.

On motion by Mr. Shallenberger,

*Resolved*, That his Excellency, the Governor, be requested, at his earliest possible convenience, to furnish the Senate with a statement of the condition of the three per cent. fund which this State claims to be due from the General Government, and why such fund is detained, if said cause is known.

On motion by Mr. Williams,

*Resolved*, That the committee on the Organization of Courts be instructed to inquire into the expediency of so amending the act

creating the court of common pleas, so as to give said court jurisdiction in all cases where the amount in controversy does not exceed one thousand dollars; also, whether it is not expedient to give said courts concurrent jurisdiction with justices of the peace, in actions of forcible entry and detainer, and against tenants holding over; also, whether the provision of the new Revised Statutes of 1852, for selecting and empanneling trais jurors, should not be extended to said court; also, whether the judge of said court should not be authorized to administer oaths, and report by bill or otherwise.

On motion by Mr. Powell,

*Resolved*, That the committee on Roads be instructed to inquire into the expediency of so amending the charter of the Rising Sun and Allensville turnpike company, as to allow said company the right of commencing work on said road at North's landing, in Ohio county, and to proceed in the direction of Allensville.

On motion by Mr. Cox,

*Resolved*, That without further special instructions, the Judiciary committee be instructed to report bills remedying all such conflicts in the enactments of the last General Assembly as may, in their opinion, be necessary.

On motion by Mr. Barton,

*Resolved*, The House concurring, that the Superintendent of the Insane Asylum be directed to receive as a patient Charles N. Norris, of Daviess county, who is now in this vicinity, he having recently become insane, and wandered off from his friends.

On motion by Mr. Jackson of Tipton,

*Resolved*, That a select committee of five be appointed to enquire into the expediency of amending section 14, chapter six of revised statutes, in regard to the assessment of real estate, before the same has been entered five years.

And Senators Jackson of Tipton, Reynolds, Gant, Griggs and Morrison were appointed said committee.

On motion by Mr. Gibson,

*Resolved*, That the Judiciary committee be authorized to employ a clerk when they shall consider the same necessary.

On motion by Mr. Brookshire,

*Resolved*, That the committee on Education be instructed to inquire into the expediency of so amending section 85, chapter 98, of the statutes of 1852, so as to make it the duty of the township trustees to examine all applications for license to teach common schools.

The rules being suspended, Mr. Brown presented the petition of one hundred and fifty-nine ladies of Shelby county on the subject of Temperance.

Also, the petition of one hundred and twelve voters of Shelby county on the same subject.

Which were,

On motion,

Referred to the committee on Temperance.

The rules being suspended, Mr. Cutshaw presented the petition of sundry citizens of Washington county, on the subject of the manufacture and sale of ardent spirits.

Which was,

On motion,

Referred to the committee on Temperance.

Mr. Morrison introduced

Bill No. 56. A bill to amend section first and section 12th of an act entitled an act to authorize the construction of levees and drains.

Which was read the first time and passed to a second reading.

On motion by Mr. Sullivan,

The rules were suspended, and,

Senate bill No. 42, a bill to appoint J. W. Cummins an agent to proceed to Washington city, and procure the re-adjustment of the three per cent. fund, and surplus revenue accounts of Indiana, with the General Government, and procure the additional sum or sums of money that may accrue to the State thereby, placed to the credit of the State upon the books of the General Government, and also to provide for his compensation therefor,

Was taken from the table, and,

By unanimous consent,

On motion by Mr. Gibson,

The bill was amended by adding the following section :

SEC. —. Nothing in this act shall authorize said agent to receive or control any money on account of the State, other than his compensation herein provided.

Mr. Spann moved to lay the bill and amendment on the table,

Which was decided in the negative.

The question being on the passage of the bill,

*Those who voted in the affirmative were,*

Messrs. Adams, Anthony, Barton, Black Brookshire, Combs Cutshaw, Edsall, Edwards, Gibson, Glazebrook, Greathouse Griggs, Gordon, Hall, Hawthorn, Hosbrook, Jackson of Madison, Jackson of Tipton, Meeker, Morrison, Odell, Richardson, Roberts, Shallenberger, Shields, Simpson, Slater, Spann, Sullivan, Wilson of Harrison and Wilson of Jay—33.

*Those who voted in the negative were,*

Messrs. Barnett, Brown, Butler, Cox, Gant, Harris, Hendry, Horton, Humphreys, Reynolds, Shook, Vandeventer, Williams and Witherow—14.

So the bill passed.

Ordered that the Secretary inform the House thereof.

The following message was received from the House of Representatives, by Mr. Bowes, their Clerk:

**MR. PRESIDENT:**

I am directed by the House of Representatives to inform the Senate that the Speaker has signed the following enrolled bills of the House:

No. 35. An act to provide for annual reports of State officers, branches of the State Bank, and benevolent institutions, to be made to the Governor.

No. 43. An act to fix the time of holding courts in the ninth judicial circuit, and the length of terms.

Which I am directed to bring to the Senate for the signature of the President thereof.

Whereupon the President affixed his signature thereto.

Ordered, that the Secretary inform the House thereof.

On motion by Mr. Wilson of Harrison,

The Senate adjourned until 2 o'clock P. M.

2 o'clock, P. M.

The Senate assembled.

On motion by Mr. Edwards,

A call of the Senate was ordered.

When the following Senators answered to their names:

Messrs. Adams, Anthony, Barnett, Barton, Brookshire, Butler, Combs, Cox, Cutshaw, Edsall, Edwards, Gant, Gibson, Glazebrook, Griggs, Gordon, Hall, Harris, Helm, Hendry, Horton, Hosbrook, Humphreys, Jackson of Madison, Jackson of Tipton, Kightley,

Meeker, Morrison, Odell, Richardson, Roberts, Shook, Simpson, Slater, Vandeventer, Wilson of Harrison, and Wilson of Jay—35.

On motion by Mr. Meeker,  
The further call was suspended.

The hour having arrived, according to previous order, the Senate went into the committee of the whole on Senate bills Nos. 27, and 38.

After having spent some time therein the committee rose, and reported progress, and asked leave to sit again.

On motion by Mr. Cutshaw,

Senate bill No. 7 was taken from the table, "a bill to authorize railroad companies to connect with railroads in an adjoining State, and to consolidate their capital stock."

The question then being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Adams, Anthony, Barton, Brookshire, Brown, Butler, Combs, Cox, Cutshaw, Edsall, Edwards, Gant, Glazebrook, Griggs, Hall, Harris, Hawthorn, Helm, Horton, Hosbrook, Humphreys, Jackson of Madison, Jackson of Tipton, Kightley, Meeker, Morrison, Odell, Powell, Richardson, Roberts, Shallenberger, Shook, Simpson, Slater, Williams, Wilson of Harrison, Wilson of Jay and Witherow—38.

*Those who voted in the negative were,*

Messrs. Hendry, Shields, and Spann—3.

So the bill passed.

Ordered that the Secretary inform the House thereof.

On motion by Mr. Edwards,

Senate bill No. 16, A bill prohibiting the Auditor and Secretary of State from receiving and filing any more applications for banks, until otherwise directed by law,

Was taken from the table; when

Mr. Wilson of Harrison moved to re-commit the bill with the following instructions:

Strike out said bill from the enacting clause thereof, and insert the following: That an act entitled an act to authorize and regulate the business of general banking, approved May 28th, 1852, be and the same is hereby repealed.

SEC. 2. It shall be lawful, notwithstanding, for any banking association, created under the authority of the act of the General Assembly, in the first section of this act specified, to use their association, name, style and capacity, for the purpose of suits, for the

final settlement and liquidation of the affairs and accounts of the association, and for the sale and disposition of their estate, real, personal, and mixed; but not for any other purpose, or in any other manner whatsoever, not for a period exceeding one year from and after the passage of this act.

SEC. 3. Should any such association issue any bills in the similitude of bank notes, and designed to be put in circulation, or re-issue any such bills as may have been by them put in circulation, and the officers, directors, agents and servants of such association, who may authorize, counsel, aid or abet in the issue or re-issue of such bills, shall be severally liable to an indictment, on information, in the court having jurisdiction; and upon conviction shall be severally fined in any sum not less than \$500, or more than \$5,000, and shall be imprisoned at hard labor in the State Prison for a period of time not less than three years, nor more than fifteen years.

SEC. 4. It is hereby declared that, in consequence of the imminent danger of there being entailed upon the people of this State an irredeemable paper currency, an emergency exists for the immediate taking effect of this act, and the same is hereby declared to take effect and be in force from and after its passage.

The question being on recommitting the bill with the instructions, It was decided in the negative.

The question recurring on the passage of the bill,

*Those who voted in the affirmative were,*

Messrs. Adams, Gant, Harris, Humphreys, Kightley, Morrison, Shook, Slater, Spann, Vandeventer, and Williams—11.

*Those who voted in the negative were,*

Messrs. Anthony, Barnett, Barton, Black, Brookshire, Brown, Butler, Combs, Cox, Cutshaw, Edsall, Edwards, Glazebrook, Great-house, Griggs, Gordon, Hall, Hawthorn, Helm, Hendry, Horton, Hosbrook, Jackson of Madison, Jackson of Tipton, Meeker, Odell, Richardson, Roberts, Shallenberger, Shields, Simpson, Sullivan, Wilson of Harrison, Wilson of Jay and Witherow—35.

So the bill did not pass.

#### ORDERS OF THE DAY.

Senate bill No. 51, a bill to provide for the selection of a physician to the asylums for the blind and deaf and dumb, fixing his compensation, and defining his duties,

Was read a third time.

Mr. Harris moved to lay the bill on the table.

The ayes and noes were demanded by Messrs. Gibson and Harris.

*Those who voted in the affirmative were,*

Messrs. Adams, Anthony, Brookshire, Brown, Edwards, Gant, Glazebrook, Harris, Helm, Hendry, Hosbrook, Morrison, Odell, Shook, Simpson and Williams—16.

*Those who voted in the negative were,*

Messrs. Barnett, Barton, Black, Butler, Combs, Cox, Cutshaw, Edsall, Gibson, Greathouse, Griggs, Gordon, Hall, Hawthorn, Horton, Humphreys, Jackson of Madison, Jackson of Tipton, Kightley, Meeker, Powell, Roberts, Shallenberger, Shields, Slater, Spann, Sullivan, Vandeventer, Wilson of Harrison, Wilson of Jay and Withers—31.

So the bill was not laid on the table.

Mr. Wilson of Harrison moved to reconsider the vote on laying the bill on the table.

Which was decided in the negative.

Mr. Shook moved to recommit to the committee on Benevolent Institutions, with instructions to inquire what similar services cost the State under the present management of the institution.

Which was agreed to.

#### BILLS ON SECOND READING.

Senate bill No. 52, a bill to prevent railroad companies from establishing depots, or laying tracks nearer than six hundred yards to streams usually navigated by steamboats, in, at or near any incorporated city of 2,500 inhabitants, situate on such stream, without the consent of the common council of such city,

Was read a second time by the title; and,

On motion by Mr. Gibson,

Referred to the committee on Corporations.

House bill No. 22, a bill to repeal section 6 of an act entitled "an act defining felonies, and prescribing punishment therefor," approved June 10th, 1852,

Was read a second time; and,

On motion by Mr. Adams,

Referred to the Judiciary committee.

House bill No. 28, a bill to repeal an act entitled "an act for

the relief of certain land owners within the corporate limits of the city of Rising Sun in Ohio county," approved January 5, 1849,

Was read the second time and ordered to a third reading.

House No. 42, a bill to amend an act entitled "an act to establish and regulate ferries," approved June 17, 1852,

Was read the second time; and,

On motion by Mr. Gibson,

Referred to the Judiciary committee.

House bill No. 46, a bill to amend an act entitled "an act for the incorporation of insurance companies, defining their powers and prescribing their duties," approved June 17, 1852,

Was read the second time by the title; and,

On motion by Mr. Gibson,

Referred to the committee on Corporations.

House bill No. 47, a bill to authorize the relocation of the seat of justice of the county of Clay, and to authorize the receiving of subscriptions and donations for the erection of the public buildings in said county,

Was read a second time by its title; and,

On motion by Mr. Gibson,

Referred to the Judiciary committee,

With instructions to inquire into the constitutionality of the bill.

House bill No. 51, a bill to amend an act entitled "an act to provide for the organization of county boards, and prescribing some of their powers and duties," approved June 17, 1852,

Was read the second time by the title; and,

On motion by Mr. Gibson,

Referred to the committee on County and Township Business.

House bill No. 59, a bill to prevent and punish frauds in the use of false stamps and labels,

Was read the second time by the title; and,

On motion by Mr. Gibson,

Referred to the Judiciary committee.

House bill No. 51, a bill to amend an act entitled "an act to provide for the organization of county boards, and prescribing some of their powers and duties," approved June 17, 1852,

Was read the second time by the title; and,

On motion by Mr. Adams,

Referred to the committee on County and Township Business.

On motion by Mr. Harris,

Leave of absence was granted to Mr. Odell until next week.

House bill No. 72, a bill providing for the compensation of township assessors,

Was read the second time by the title; and,

On motion by Mr. Butler,

Referred to the committee on Finance.

Joint resolution of the House No. 19, a joint resolution relative to the Michigan city harbor,

Was read the second time by the title: and,

On motion by Mr. Humphreys,

Referred to the committee on Federal Relations.

House joint resolution No. 20, a joint resolution relating to the construction of a canal around the falls of Ohio,

Was read the second time by the title; and,

On motion by Mr. Humphreys,

Referred to the committee on Federal Relations.

On motion by Mr. Brown,

The Senate adjourned until to-morrow morning, 9 o'clock.

FRIDAY MORNING, 9 o'clock, }  
February 4th, 1853. }

The Senate assembled.

On motion by Mr. Humphreys,

The reading of the Journal was dispensed with.

#### REPORTS FROM COMMITTEES.

By Mr. Gibson, chairman of the Judiciary committee:

MR. PRESIDENT:

The committee on the Judiciary, to whom was referred House bill No. 47, a bill to authorize the relocation of the seat of justice of the county of Clay, and to authorize the receiving of subscriptions and donations for the erection of the public buildings in said county, with directions to inquire into its constitutionality, have had that subject under consideration and have directed me to report that in their opinion, said act would be a plain violation of the constitution. The act is strictly local in its character. The 23d section of the 4th article of the constitution declares that when a general law can be made applicable all laws shall be general and of uniform operation throughout the State.

The touchstone by which to determine whether a law local in its operation, is constitutional or not, is obviously to be found in the

inquiry whether the object designed to be effected by such law, could be accomplished by a general law of uniform operation throughout the State. This test applied to the act under consideration, can leave no doubt as to its conflict with the constitution. That a law of uniform operation could be made applicable to the removal of county seats, will not be disputed by any one. Such laws were pending before the last legislature, but failed to pass, an enactment declaring that the board of commissioners of the county should have power to remove county seats, would obviously be a law of uniform operation, and would be applicable to the case sought to be embraced in the local act under consideration. These premises admitted, and your committee conceive that no one will deny their truth, and the conclusion follows with mathematical certainty, that any law which provides for the county of Clay a rule of action on the subject of the removal of county seats, different from the law which governs other counties must be unconstitutional.

It is no answer to this position to assume that the General Assembly will not pass any general law upon the subject. The question is not whether such a law would meet the views of expediency of the General Assembly, but whether the General Assembly have the power to enact such a law. Any other view of the meaning of the words "can be made applicable," as used in the constitution, would effectually nullify all restriction upon local legislation.

It would only be necessary when local legislation was desired in any county, to first introduce a general law, and when it was defeated, we should be told that a general law could not be made applicable, because the General Assembly would not pass such general law, and thus the door would be thrown open again to all the mischievous results designed to be prevented by the Constitution.

Your committee would refer the Senate to a lengthened and able argument on this question, to be found in the report of the select committee of the Senate of last session, at page 1,042, and in conclusion recommend that the bill be indefinitely postponed.

Which report was,

On motion by Mr. Greathouse,  
Laid on the table.

On motion by Mr. Combs,  
The bill was referred to a select committee of five.

Messrs. Combs, Spann, Hawthorn, Greathouse and Slater, were appointed said committee.

By Mr. Hendry, from the committee on the Judiciary:

MR. PRESIDENT:

The committee on the Judiciary, to whom was referred House bill No. 13, an act to amend an act entitled "an act providing for the appointment of notaries public, and defining their powers and duties,"

approved June 9, 1852, amending section 2, and repealing section 3 of said act, have had the same under consideration, and directed me to report the same back with the following amendment, and when so amended, to recommend its passage.

Strike out from the enacting clause, and insert the following :

That section one (1) of said act is hereby amended so as to read as follows: "Notaries public shall be appointed and commissioned by the Governor, upon a certificate of qualifications and moral character from the judge of circuit or common pleas courts of their counties respectively, and shall, before they enter upon their duties as such, take an oath of office before the clerk of the circuit court of their county, and file in his office, to be approved of by him, an official bond in the penalty of one thousand dollars."

That section two (2) of said act be amended so as to read as follows: "Notaries now appointed, may serve out the terms for which they were respectively appointed; and the Governor may appoint notaries public in the several counties whenever, in his judgment, the public interest would be thereby promoted."

SEC. 3. *Be it further enacted*, That section three (3) of said act, be and the same is hereby repealed. This act to take effect and be in force from and after its publication and circulation in the several counties of the State, by authority.

Which report was concurred in, and the bill ordered to a third reading.

By Mr. Richardson, chairman of the committee on Corporations:

MR. PRESIDENT:

The committee on Corporations, to whom was referred House bill No. 49, "a bill to authorize voluntary associations to hold and convey property, and to pass and enforce by-laws for their benefit," have had the same under consideration, and have directed me to report the same back to the Senate without amendment, and recommend its passage.

Which was concurred in, and the bill ordered to a third reading.

By Mr. Slater, from the committee on Corporations:

MR. PRESIDENT:

The committee on corporations, to whom was referred House bill No. 52, A bill to amend an act entitled an act for the incorporation of towns, defining their powers, providing for the election of the officers thereof, and declaring their duties, approved June 11, 1852, have had the same under consideration, and directed me to report the same back to the Senate without amendment, and recommend its passage.

Which was concurred in, and the bill ordered to a third reading.

By Mr. Brown, from the committee on Agriculture:

MR. PRESIDENT:

The committee on Agriculture, to whom was referred Senate bill No. 34, a bill to provide for the election of delegates to the State Board of Agriculture, have had that subject under consideration, and have unanimously directed me to report the same back to the Senate, and recommend that said bill be laid on the table.

Which report was concurred in, and the bill laid on the table.

#### RESOLUTIONS OF THE SENATE.

On motion by Mr. Helm,

*Resolved*, That the committee on the Judiciary be requested to inquire into the expediency of so amending the law regulating contracts that the contracting parties shall be held bound on all verbal contracts for the purchase or sale of personal property to any amount, providing the same can be proven.

On motion by Mr. Morrison,

*Resolved*, That the committee on the Judiciary be instructed to inquire whether recorders in this State have the right under existing laws to charge for taking acknowledgments of deeds, or only for certificate; and if they have such right, then how much they may charge for each person. Also whether, and how much, county recorders are entitled to receive for searching and exhibiting in office. Also what fees they are entitled to receive for entering satisfaction of mortgages, and what for making up index; and further, whether justice to these officers does not require, with other additions, a similar general clause (at the close of their bill of fees) to the one at the close of fee bills of clerks of circuit courts and courts of common pleas, and that said committee report by bill, if existing laws are deemed insufficient to authorize recorders to charge for all services specified above, unless in their opinion legislation on that subject is inexpedient.

On motion by Mr. Hawthorn,

*Resolved*, That the committee on the Judiciary inquire into the expediency of abolishing the present grand jury system, and in lieu thereof re-instate the former grand jury system.

On motion by Mr. Powell,

*Resolved*, That the committee on Education be instructed to inquire into the expediency of so amending the common school law, as to exempt persons of color from paying a common school tax.

## BILLS INTRODUCED.

By Mr. Powell:

No. 57. A bill to amend the 22d section of chapter 102 of the Revised Statutes of 1852.

Which was read the first time and passed to a second reading.

By Mr. Jackson of Madison,

No. 58. A bill to organize the twelfth judicial circuit, and fixing the time of holding the terms of the courts of common pleas, where the same would otherwise interfere with the terms of the circuit courts of said circuit.

Which was read the first time and passed to a second reading.

By Mr. Roberts,

No. 59. A bill to amend an act entitled, "an act for the more uniform mode of doing township business," approved May 6, 1852.

Which was read the first time and passed to a second reading.

The rules being suspended,

Mr. Morrison presented the petition of 77 male citizens of Greenville, Floyd county, on the subject of the liquor traffic;

Which was,

On motion,

Referred to the committee on Temperance.

## ORDERS OF THE DAY.

*Senate Bills on Second Reading.*

No. 54. A bill to amend the 37th section of an act entitled "an act defining misdemeanors and prescribing punishment therefor," approved June 14, 1852.

Was read the second time; when,

Mr. Gibson offered the following amendment:

SEC. 2. The preceding section shall not be construed to include such persons as may carry on their ordinary and regular business at their regular places of transacting the same, nor to such persons as may have the permission of those having charge of any such meeting, to establish suitable places for the purpose of furnishing food for those attending the same, their horses and cattle.

Which was adopted.

Mr. Wilson of Harrison moved to strike out the words "two miles," upon which

The ayes and noes were demanded by Senators Gibson and Wilson of Harrison.

*Those who voted in the affirmative were,*

Messrs. Gant, and Wilson of Harrison—2.

*Those who voted in the negative were,*

Messrs. Adams, Anthony, Barnett, Brookshire, Brown, Butler, Combs, Cox, Cutshaw, Edsall, Edwards, Gibson, Glazebrook, Great-house, Griggs, Gordon, Hall, Harris, Hawthorn, Helm, Hendry, Hosbrook, Humphreys, Jackson of Madison, Jackson of Tipton, Knightly, Meeker, Morrison, Powell, Richardson, Roberts, Shallenberger, Shields, Shook, Simpson, Slater, Spann, Sullivan, Vandeventer, Williams, Wilson of Jay and Witherow—42.

So it was not stricken out.

Mr. Gant moved to amend by striking out the words "or any other article," in section thirty-seven.

Which was not agreed to.

The bill was then ordered to be engrossed.

No. 53. A bill authorizing and regulating suits against the State.

Was read a second time and ordered to be engrossed.

No. 56. A bill to amend section first, and section twelfth, of an act entitled "an act to authorize the constructions of levees and drains.

Was read a second time by the title; and,

On motion by Mr. Morrison,

Was referred to the Judiciary committee.

On motion by Mr. Gibson,

The vote on referring was reconsidered: and,

On motion by Mr. Shields,

The bill was referred to a select committee of five.

Senators Shields, Morrison, Griggs, Wilson of Harrison and Hosbrook, were appointed said committee.

No. 55. A bill to extend the time allowed the Milton and Waterloo Turnpike Company to finish said road, and to amend the 15th section of an act entitled "an act for the incorporation of the Milton and Waterloo Turnpike Company," approved February 11, 1848,

Was read the second time by its title; and,

On motion by Mr. Gibson,

Referred to the Judiciary committee.

Joint resolution of the Senate No. 7, a joint resolution in relation to the marking in some suitable manner the spot in which has been deposited the remains of Andrew Kennedy,

Was read a second time; when,

Mr. Wilson of Harrison asked and obtained leave to withdraw the same from the files of the Senate.

Senate bill No. 45, a bill to amend section 23 of an act to provide for the valuation and assessment of the real and personal property, and the collection of taxes in the State of Indiana; for the election of township assessors and prescribing the duties of assessors, appraisers of real property, county treasurers and auditors, and the Treasurers and Auditor of State, approved January 21, 1852,

Was read the third time; and,

On motion by Mr. Harris,

Laid on the table.

#### HOUSE BILLS ON THIRD READING.

No. 28. A bill to repeal an act entitled "an act for the relief of certain land owners within the corporate limits of the city of Rising Sun, in Ohio county," approved January 5, 1849,

Was read a third time; and,

On motion by Mr. Slater,

Laid on the table.

No. 29. A bill to enable non-resident aliens to take upon certain conditions, real estate by decent or devise, to provide for the partition and sale thereof, and defining the jurisdiction and duties of the courts of common pleas, and certain officers in relation thereof,

Was read a third time.

The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Adams, Barnett, Brookshire, Brown, Combs, Cox, Cutshaw, Edsall, Edwards, Gant, Gibson, Glazebrook, Griggs, Gordon, Hall, Harris, Hawthorn, Helm, Hendry, Horton, Hosbrook, Humphreys, Jackson of Madison, Jackson of Tipton, Meeker, Powell, Richardson, Roberts, Shallenberger, Shook, Spann, Vandeventer, Williams, Wilson of Harrison, Wilson of Jay and Witherow—37.

Mr. Butler voted in the negative.

So the bill passed.

Ordered that the Secretary inform the House thereof.

House bill No. 37, an act to change the time of holding circuit courts in the 10th judicial circuit,

Was read a third time,

And the question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Adams, Anthony, Brown, Butler, Combs, Cox, Edsall, Edwards, Gant, Gibson, Glazebrook, Greathouse, Griggs, Gordon, Hall, Harris, Hawthorn, Helm, Hendry, Horton, Hosbrook, Humphreys, Jackson of Madison, Jackson of Tipton, Meeker, Powell, Richardson, Roberts, Shallenberger, Shields, Shook, Simpson, Slater, Spann, Vandeventer, Williams, Wilson of Harrison, Wilson of Jay, and Witherow—39.

No Senator voted in the negative.

So the bill passed.

Ordered, that the Secretary inform the House thereof.

No. 45. A bill to amend an act entitled "an act touching official bonds and oaths," approved June 9, 1852,

Was read a third time.

And the question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Adams, Barnett, Brookshire, Brown, Butler, Combs, Cox, Cutshaw, Edwards, Gant, Gibson, Glazebrook, Griggs, Gordon, Hall, Harris, Hawthorn, Helm, Hendry, Horton, Hosbrook, Humphreys, Jackson of Madison, Jackson of Tipton, Meeker, Richardson, Roberts, Sallenberger, Shields, Shook, Simpson, Slater, Spann, Vandeventer, Williams, Wilson of Harrison, Wilson of Jay, and Witherow—39.

No Senator voted in the negative.

So the bill passed.

Ordered that the Secretary inform the House thereof.

No. 53. A bill amendatory of the 6th section of an act entitled "an act to authorize and limit allowances by courts and boards, and drafts upon county treasurers," approved May 27, 1852, and to authorize allowances to poor persons in certain cases,

Was read a third time.

And the question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Adams, Anthony, Barnett, Brookshire, Brown, Butler, Combs, Cox, Edwards, Gant, Gibson, Glazebrook, Griggs, Gordon, Hall, Harris, Hawthorn, Hendry, Horton, Hosbrook, Humphreys, Jackson of Madison, Jackson of Tipton, Kightley, Meeker, Powell, Richardson, Roberts, Shallenberger, Shook, Simpson, Slater, Spann, Vandeventer, Williams, Wilson of Harrison, Wilson of Jay, and Witherow—38.

Messrs. Cutshaw and Shields voted in the negative—2.

So the bill passed.

Ordered, that the Secretary inform the House thereof.

House bill No. 69, a bill to amend an act entitled “an act to enable trustees to receive lands and donations, and convey the same for the use of schools, churches, religious societies, Masonic and Odd Fellows’ lodges, Sons and Daughters of Temperance, and for the construction of cemeteries, houses of worship, or other buildings therein named,” approved June 17, 1852,

Was read a third time.

The question being shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Adams, Anthony, Barnett, Brookshire, Brown, Butler, Combs, Cox, Cutshaw, Edwards, Gant, Gibson, Glazebrook, Griggs, Gordon, Hall, Harris, Hawthorn, Helm, Hendry, Horton, Hosbrook, Humphreys, Jackson of Madison, Kightley, Meeker, Morrison, Powell, Roberts, Shallenberger, Shook, Simpson, Spann, Vandeventer, Williams, Wilson of Harrison, Wilson of Jay and Witherow—39.

So the bill passed.

Ordered that the Secretary inform the House thereof.

The following message was received from the House of Representatives by Mr. Bowes their clerk:

**MR. PRESIDENT:**

I am directed by the House of Representatives to inform the Senate that the Speaker has signed the following Enrolled Bills of the Senate:

No. 13. An act to amend an act entitled “an act to authorize the formation of voluntary associations,” approved May 13, 1852,

Which I am directed to bring to the Senate for the signature of the President thereof.

Whereupon the President affixed his signature thereto.

The rules being suspended,

On motion by Mr. Wilson of Harrison,

The vote taken on laying House bill No. 28, on the table,

Was reconsidered; and,

On motion by Mr. Gibson,

The rules were further suspended, and the vote ordering the bill to a third reading,

Was reconsidered; when,

On motion by Mr. Wilson of Harrison,  
 The bill was referred to the committee on Corporations.  
 No. 65. A bill to amend an act entitled "an act in relation to  
 county treasurers," approved June 4, 1852,  
 Was read a third time.  
 The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Adams, Anthony, Barnett, Brookshire, Brown, Butler,  
 Combs, Cox, Cutshaw, Edsall, Edwards, Gant, Gibson, Glazebrook,  
 Greathouse, Griggs, Gordon, Hall, Harris, Hawthorn, Helm, Hen-  
 dry, Horton, Hosbrook, Humphreys, Jackson of Madison, Kightley,  
 Meeker, Morrison, Powell, Richardson, Roberts, Shallenberger,  
 Shields, Shook, Simpson, Slater, Spann, Vandeventer, Williams,  
 Wilson of Harrison, Wilson of Jay and Witherow—43.

No Senator voted in the negative.

So the bill passed.

Ordered that the Secretary inform the House thereof.

Joint resolution of the House No. 15, a joint resolution asking  
 congress to grant John Linsey and James Elliott pensions,

Was read a third time.

The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Adams, Anthony, Barnett, Brookshire, Brown, Butler,  
 Combs, Cox, Cutshaw, Edwards, Gant, Gibson, Glazebrook, Great-  
 house, Griggs, Gordon, Hall, Harris, Hawthorn, Helm, Hendry,  
 Horton, Hosbrook, Humphreys, Jackson of Madison, Jackson of  
 Tipton, Kightley, Meeker, Morrison, Richardson, Roberts, Shallen-  
 berger, Shields, Shook, Simpson, Slater, Spann, Vandeventer, Wil-  
 liams, Wilson of Harrison, Wilson of Jay and Witherow—42.

No Senator voting in the negative.

So the joint resolution passed.

Ordered, that the Secretary inform the House thereof.

The following message from the House of Representatives was  
 taken up:

**MR. PRESIDENT:**

I am directed by the House to inform the Senate that the House  
 have passed the following engrossed bill thereof:

Bill No. 62. An act to enable illegitimate children to inherit in

certain cases, and to authorize the court of common pleas to make certain orders.

In which the concurrence of the Senate is respectfully requested.

Bill No. 62 contained in the message, was read the first time and ordered to a second reading.

Mr. Roberts submitted the following resolution :

*Resolved*, That the committee on State Prison, the House of Representatives concurring, be directed to proceed to Jeffersonville on [—] day next to examine into all matters pertaining to the penitentiary, its condition, the treatment of the convicts, and such other things as in their judgment may afford a correct facility to legislate upon the proposed change and additions to that institution.

Mr. Wilson of Harrison moved to fill the blank in the resolution with Tuesday next.

Which was agreed to.

The resolution was then adopted.

Mr. Edwards from the committee on Corporations, submitted the following report:

MR. PRESIDENT :

The committee on Corporations to whom was referred Senate bill No. 43, to repeal part of the first section of an act to amend an act to incorporate the Lake Michigan, Logansport and Ohio River Railroad Company, have had the same under consideration, and I am directed to report the same back to the Senate recommending its passage.

Which was concurred in, and the bill ordered to be engrossed.

On motion by Mr. Humphreys,

The vote ordering the printing of 2,000 copies of the report of the Agent of the Colonization Society;

Was reconsidered: and,

On motion by Mr. Humphreys,

Five hundred copies were ordered to be printed.

Mr. Horton, chairman of the committee on County and Township Business, submitted the following report:

MR. PRESIDENT :

The committee on County and Township Organization to whom was referred a resolution instructing them to inquire whether there is not a conflict between section 10, chapter 98 and section 19, chapter 110 of the Revised Statutes, and if so, to report a bill to correct such conflict, have had the same under consideration, and have in-

structed me to report the following bill, and respectfully recommend its passage:

No. 60. An act to amend an act entitled "an act for the more uniform mode of doing county business," approved May 6, 1852.

Which was read the first time, and passed to a second reading.

Mr. Gibson, chairman of a select committee, submitted the following report:

MR. PRESIDENT:

The select committee composed of the Senators from the second judicial circuit, who were instructed to inquire into the expediency of changing the time of holding courts in said circuit, have directed me to report the following bill and recommend its passage:

No. 61. A bill to change the time of holding circuit courts in the second judicial circuit.

Which was read the first time and passed to a second reading.

Mr. Gibson chairman of the Judiciary committee, submitted the following report:

MR. PRESIDENT:

The Judiciary committee who were instructed to inquire into the expediency of amending the 4th section of an act touching the relation of guardian and ward, have had that subject under consideration and have directed me to report the following bill, and recommend its passage.

No. 62. A bill to amend the 4th section of an act entitled "an act touching the relation of guardian and ward," approved June 9, 1852.

Which was read a first time and passed to a second reading.

Mr. Hendry submitted the following resolution:

*Resolved*, That the committee on the Judiciary be instructed to inquire into the expediency of passing a general law authorizing the relocation of county seats, and report by bill or otherwise.

Which was adopted.

On motion by Mr. Wilson of Harrison,  
The Senate adjourned until 2 o'clock,

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2 o'clock, P. M.

The Senate assembled.

On motion by Mr. Edwards,

Leave of absence was granted to Mr. Brookshire until Monday morning next.

On motion by Mr. Spann,

Leave of absence was granted to Mr. Sullivan until Monday next.

Mr. Combs presented the petition and a remonstrance of the citizens of Clay county, in reference to the relocation of the county seat of said county.

Which was,

On motion by Mr. Combs,

Referred to the select committee appointed on that subject.

Mr. Adams submitted the following resolution ;

*Resolved*, That the doorkeeper of the Senate, be directed to inquire of the State Printer, how many copies of the report of the Superintendent of public instruction have been printed for the use of the Senate, and if the entire number which was ordered to be printed for the use of the Senate has not been printed, to inquire at what time the same can be printed, and that he report to the Senate.

Which was adopted.

On motion by Mr. Combs,

The Senate adjourned.

SATURDAY MORNING, 9 o'clock, }  
February 5, 1853. }

The Senate assembled.

Mr. Humphreys moved that the reading of the Journal be dispensed with.

Which was decided in the negative.

The journal of yesterday was then read.

#### REPORTS FROM COMMITTEES.

By Mr. Harris, from the Judiciary committee :

MR. PRESIDENT :

The committee on the Judiciary to whom was referred Senate bill No. 55, entitled a bill to extend the time allowed the Milton and Waterloo turnpike company to finish said road, and to amend the 15th section of an act entitled an act for the incorporation of the Milton and Waterloo turnpike company, approved February 11,

1848, have had the same under consideration and would report the same back, and that said bill is unconstitutional.

Which report was concurred in, and,

On motion by Mr. Slater,

The bill was indefinitely postponed.

By Mr. Harris, from the committee on the Judiciary :

**MR. PRESIDENT:**

The committee on the Judiciary, to whom was referred House bill No. 22, entitled a bill to repeal section six of an act entitled an act defining felonies, and prescribing punishment therefor, approved June 10th, 1852, have had the same under consideration, and would report back said bill with the following amendment, viz :

Amend by striking out the words, 1st, "the following section the same being," in the first and second line. 2d, strike out all after the word "repealed," in the 6th line.

Which report was concurred in, the amendments adopted, and the bill ordered to a third reading.

By Mr. Greathouse, chairman of the committee on Federal Relations :

**MR. PRESIDENT:**

The committee upon Federal Relations, to whom was referred the House joint resolution No. 19, relative to the harbor at Michigan City, have had the same under consideration, and have instructed me to report the same back without amendment and respectfully recommend its passage.

Which was concurred in by the Senate, and the bill ordered to a third reading.

Also, by Mr. Greathouse, chairman of the committee on Federal Relations :

**MR. PRESIDENT:**

The committee on Federal Relations, to whom was referred joint resolution No. 20, relating to the construction of a canal around the falls of the Ohio, have had that subject under consideration, and have instructed me to report the same back without amendment, and to respectfully recommend its passage.

Which was concurred in by the Senate, and the joint resolution ordered to a third reading.

By Mr. Richardson, chairman of the committee on Corporations :

**MR. PRESIDENT:**

The committee on Corporations, to whom was referred House bill

No. 28, an act to repeal an act for the relief of certain land owners within the corporate limits of Rising Sun, in Ohio county, have had the same under consideration; they have directed me to report the bill back to the Senate without amendment, and to recommend its passage.

Which was concurred in by the Senate and the bill ordered to a second reading.

By Mr. Hall, from the committee on Corporations:

**MR. PRESIDENT:**

The committee on Corporations, to whom was referred House bill No. 46, a bill to amend an act entitled "an act for the incorporation of insurance companies, defining their powers and prescribing their duties," approved June 17, 1852, have had the same under consideration, and have directed me to report the bill back to the Senate without amendment, and recommend its passage.

Which report was concurred in, the bill read a second time, and ordered to a third reading.

By Mr. Kightley, chairman of the committee on Roads:

**MR. PRESIDENT:**

The committee to whom was referred a resolution in regard to fines and forfeitures of supervisors going to the benefit of the township, have had the same under consideration, and directed me to report that, in their opinion, it is inexpedient to legislate upon the subject.

Which was concurred in by the Senate.

Also, by Mr. Kightley, chairman of the committee on Roads:

**MR. PRESIDENT:**

The committee on Roads, to which was referred a resolution in regard to the Rising Sun and Allensville turnpike company, have had the same under consideration, and directed me to report that being a local matter, in their opinion it is unconstitutional to legislate upon it.

Which report was not concurred in by the Senate; and,

On motion by Mr. Shields,

The resolution was referred to the Judiciary committee.

By Mr. Barton, chairman of the committee on Benevolent Institutions:

**MR. PRESIDENT:**

The committee on Benevolent Institutions, to whom was referred

a resolution of the Senate instructing them to inquire into the expediency of immediate legislation making adequate provision for the reception in the Insane Asylum of all persons who are incurably insane, have had the same under consideration, and have instructed me to report, that as the present facilities for the reception of persons who have recently become insane, into said Asylum or Hospital, are altogether insufficient to meet the demands made upon it, in cases when reasonable hopes of recovery might be entertained, and as the number of new applicants is every day increasing, and the Hospital is already full, it is inexpedient to legislate in the premises by providing for the admission to the Hospital of persons mentioned in said resolution; and they ask to be discharged from further consideration of the subject.

Which was concurred in by the Senate.

By Mr. Horton, chairman of the committee on County and Township Business:

MR. PRESIDENT:

The committee on County and Township business, to whom was referred house bill No. 25, "a bill to provide for the enumeration of all the white male inhabitants over the age of twenty-one years, in the State of Indiana in the year 1853, and pay the officers for taking the same," with certain instructions, have directed me to amend the same as instructed, as follows: Strike out the 3d section of the bill.

Which report was concurred in, and the amendment adopted.

Mr. Shook moved to recommit to the same committee, with instructions to amend and perfect the bill so as to conform with the amendment just adopted.

On motion by Mr. Spann,

The bill and instructions were laid on the table.

By Mr. Horton, chairman of the committee on County and Township Business:

MR. PRESIDENT:

The committee on County and Township Business to whom was referred House bill No. 51, "a bill to amend an act entitled an act to provide for the organization of county boards, and prescribing some of their powers and duties," approved June 17, 1852, direct me to report the same back and respectfully recommend its passage.

Which report was concurred in,

The bill read a second time and ordered to a third reading.

By Mr. Shields from a select committee:

MR. PRESIDENT:

The select committee to whom was referred Senate bill No. 56, "an act to amend section first and section twelfth of an act entitled an act to authorize the construction of levees and drains, have had the same under consideration and instruct me to report the bill without amendment, and to recommend its passage.

Which report was concurred in,  
And the bill ordered to be engrossed.

#### RESOLUTIONS OF THE SENATE.

Mr. Spann submitted the following resolution:

*Resolved*, The House concurring, that the Trustees of the Asylum for the Deaf and Dumb be, and they are hereby instructed to accept the resignation of James S. Brown, the present principal Superintendent, according to his request as heretofore expressed, and proceed to fill the vacancy as the law prescribes.

Which was adopted.

On motion by Mr. Horton,

*Resolved*, That the Judiciary committee be instructed to inquire whether section 25, of chapter 10, of the Revised Statutes, can be enforced without further legislative action, and report by bill or otherwise.

On motion by Mr. Hendry,

*Resolved*, That the committee on the Judiciary be, and they are hereby instructed to inquire, whether the 117th section of the act in relation to the assessment and collection of taxes, approved June 21, 1852, will not make county treasurers responsible for a dereliction of duty of their predecessors in office; which will be manifestly unjust in its operation, and if thought expedient to report an amendment correcting the same.

On motion by Mr. Witherow,

*Resolved*, That the committee on Finance be instructed to inquire into the expediency of amending sections ninety-six and one hundred and twenty-three, of the act for the assessment and collection of taxes, approved June 21, 1852, by striking out "third Monday in March," and inserting "third Monday in January," and report by bill or otherwise.

Mr. Shallenberger submitted the following resolution:

*Resolved*, That when the Senate adjourn, it stand adjourned until Monday next at 2 o'clock, P. M.

Mr. Anthony moved to strike out "2 o'clock," and insert 9 o'clock, A. M., which was agreed to.

The resolution was then adopted.

Mr. Adams introduced

Joint resolution No. 8. A joint resolution asking indemnity from the Congress of the United States for the failure of the title to a portion of the lands heretofore granted by Congress to the State of Indiana, for the use of a seminary of learning.

Which was read a first time; when,

On motion by Mr. Adams,

The rules were suspended, the joint resolution read a second time and ordered to be engrossed.

Mr. Black introduced

Bill No. 63. A bill to repeal an act therein named.

Which was read a first time and passed to a second reading.

#### ORDERS OF THE DAY.

##### *Senate bills on second reading.*

No. 57. A bill to amend the 22d section of chapter 102 of the Revised Statutes of 1852,

Was read a second time; and,

On motion by Mr. Powell,

Referred to the committee on County and Township Business.

No. 58. A bill organizing the twelfth judicial circuit, and fixing the time of holding the terms therein, and defining the time of holding the terms of the court of common pleas, where the same would otherwise interfere with the terms of the circuit courts of said counties.

Was read the second time by the title; and,

On motion by Mr. Jackson of Madison,

Referred to a select committee of the Senators from said circuit.

Mr. Jackson of Madison was appointed chairman of said committee.

Senate bill No. 59. An act to amend an act entitled "an act for the more uniform mode of doing township business," approved May 6, 1852.

Was read a second time.

Mr. Shields moved to amend by striking out "25 cents."

Which was agreed to.

The bill was then ordered to be engrossed.

No. 60. A bill to amend an act entitled "an act for the more uniform mode of doing township business."

Was read a second time; and,

On motion by Mr. Humphreys,

Laid on the table.

No. 61. A bill to change the time of holding courts in the second judicial circuit.

Was read a second time and ordered to be engrossed.

No. 62. A bill to amend the 4th section of an act entitled, "an act touching the relation of guardian and ward," approved June 9, 1852.

Was read a second time and ordered to be engrossed.

House bill No. 62. A bill to enable illegitimate children to inherit in certain cases.

Was read a second time by the title; and,

On motion by Mr. Gibson,  
Referred to the Judiciary committee.

On motion by Mr. Gordon,

Senate bill No. 34. A bill to provide for the election of delegates to the State Board of Agriculture;

Was taken from the table, and read a second time.

The question being on ordering the bill to be engrossed.

On motion by Mr. Wilson of Harrison,

The bill was laid on the table.

#### SENATE BILLS ON THIRD READING.

No. 43. A bill to repeal part of the first section of "an act to incorporate the Lake Michigan, Logansport and Ohio River Railroad Company," approved February 11, 1851.

Which was read a third time,

The question being shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Adams, Anthony, Barnett, Barton, Black, Brown, Combs, Cox, Cutshaw, Edsall, Edwards, Gant, Greathouse, Griggs, Gordon, Hall, Hawthorn, Humphreys, Powell, Richardson, Roberts, Simpson, Wilson of Harrison and Wilson of Jay—24.

*Those who voted in the negative were,*

Messrs. Butler, Gibson, Harris, Hendry, Horton, Hosbrook, Jackson of Madison, Meeker, Morrison, Shallenberger, Shields, Shook, Slater, Spann, Vandeventer, Williams and Witherow—17.

So the bill did not pass,

There not being a constitutional majority voting therefor.

No. 53. A bill authorizing and regulating suits against the State.

Was read a third time.

And the question being on the passage of the bill ;

*Those who voted in the affirmative were,*

Messrs. Adams, Anthony, Barnett, Barton, Black, Brown, Butler, Combs, Cox, Edsall, Edwards, Gant, Gibson, Greathouse, Griggs, Gordon, Hall, Harris, Hawthorn, Helm, Hendry, Horton, Hosbrook, Jackson of Tipton, Meeker, Morrison, Powell, Reynolds, Richardson, Roberts, Shallenberger, Shook, Simpson, Slater, Spann, Vandeventer, Williams, Wilson of Harrison, Wilson of Jay and Witherow—41.

Messrs. Cutshaw, Jackson of Madison, Humphreys and Shields voted in the negative.

So the bill passed.

Ordered that the Secretary inform the House thereof.

No. 54. A bill to amend the 37th section of an act entitled "an act defining misdemeanors, and prescribing punishment therefor," approved June 14th, 1852.

Was read a third time.

The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Adams, Anthony, Barnett, Barton, Black, Brown, Butler, Combs, Cox, Cutshaw, Edsall, Edwards, Gant, Gibson, Greathouse, Griggs, Gordon, Hall, Harris, Hawthorn, Helm, Hendry, Horton, Hosbrook, Humphreys, Jackson of Madison, Jackson of Tipton, Meeker, Morrison, Powell, Reynolds, Richardson, Roberts, Shallenberger, Shields, Shook, Simpson, Slater, Spann, Vandeventer, Williams, Wilson of Harrison, Wilson of Jay and Witherow—44.

So the bill passed.

Ordered that the Secretary inform the House thereof.

#### HOUSE BILLS ON THIRD READING.

No. 13. A bill to amend an act entitled "an act providing for the appointment of notaries public, and defining their powers and duties," approved June 9, 1852, amending section 2, and repealing section 3 of said act.

Was read a third time.

The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Adams, Anthony, Barnett, Barton, Butler, Combs, Cox, Edsall, Edwards, Gant, Greathouse, Griggs, Hall, Harris, Hawthorn, Helm, Hendry, Horton, Hosbrook, Humphreys, Jackson of Tipton, Morrison, Powell, Reynolds, Richardson, Roberts, Shallenberger, Shields, Shook, Spann, Vandeventer, Williams, Wilson of Harrison, Wilson of Jay, and Witherow—35.

*Those who voted in the negative were,*

Messrs. Black, Cutshaw, Gibson, Jackson of Madison, Meeker, Simpson, and Slater—7.

So the bill passed.

On motion by Mr. Humphreys,

The title of the bill was amended so as to conform to the provisions of the bill.

Ordered that the Secretary inform the House of the passage of the bill.

No. 49. A bill to authorize voluntary associations to hold and convey property, and to pass and enforce by-laws for their benefit, Was read a third time.

The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Adams, Anthony, Barnett, Barton, Black, Butler, Combs, Cox, Cutshaw, Edsall, Edwards, Gant, Greathouse, Griggs, Gordon, Hall, Harris, Hawthorn, Helm, Hendry, Horton, Hosbrook, Jackson of Madison, Jackson of Tipton, Meeker, Morrison, Reynolds, Richardson, Roberts, Shallenberger, Shook, Simpson, Slater, Spann, Vandeventer, Williams, Wilson of Harrison, Wilson of Jay, and Witherow—39.

Mr. Humphreys voted in the negative.

So the bill passed.

Ordered that the Secretary inform the House thereof.

No. 52. A bill to amend an act entitled an act for the incorporation of towns, defining their powers, providing for the election of officers thereof, and declaring their duties, approved June 11, 1852,

Was read a third time.

And the question being on the passage of the bill,

*Those who voted in the affirmative were,*

Messrs. Adams, Anthony, Barnett, Barton, Brown, Butler, Combs, Cox, Cutshaw, Edsall, Gant, Gibson, Greathouse, Griggs, Gordon,

Hall, Hendry, Horton, Hosbrook, Humphreys, Jackson of Madison, Jackson of Tipton, Meeker, Powell, Reynolds, Shook, Simpson, Spann, Vandeventer, Williams, Wilson of Harrison, Wilson of Jay, and Witherow—33.

*Those who voted in the negative were,*

Messrs. Edwards, Harris, Morrison, Richardson, Roberts, and Slater—6.

So the bill passed.

Ordered that the Secretary inform the House thereof.

The following message was received from his Excellency the Governor, by Mr. King, his private secretary:

MR. PRESIDENT:

I am directed by the Governor to inform the Senate that he has approved and signed the following bill to-wit:

No. 17. A joint resolution asking Congress to donate all the unsold lands in the State of Indiana for common school purposes.

No. 13. An act to amend an act entitled an act to authorize the formation of voluntary associations, approved May 13th, 1852,  
Which bills originated in the Senate.

On motion by Mr. Anthony,  
The Senate adjourned.

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MONDAY MORNING, 9 o'clock, }  
February 7, 1853. }

The Senate assembled.

Mr. Humphreys moved to dispense with the reading of the journal;  
Which was not agreed to.

The Journal of Saturday was then read.

## PEPITIONS, MEMORIALS AND REMONSTRANCES.

By Mr. Slater:

The petition of sundry persons of Lawrenceburgh, in Dearborn county, upon the subject of temperance;

Which was,

On motion by Mr. Slater,

Referred to the committee on that subject.

By Mr. Wilson of Jay:

The petition of thirty-five voters and thirty-five ladies of Jay county, on the subject of the manufacture and sale of ardent spirits;

Which was,

On motion,

Referred to the committee on Temperance.

By Mr. Barton:

A remonstrance from numerous citizens of Knox county, against having a portion of their territory attached to the county of Pike;

Which was,

On motion,

Referred to the select committee already appointed on that subject.

By Mr. Hawthorn:

The petition of forty-seven citizens of Knox county, praying to have certain territory annexed to the county of Pike;

Which was,

On motion,

Referred to the select committee on that subject.

By Mr. Edsall:

The petition of Joseph S. Large and 463 other citizens of this State, praying a modification of the common school law;

Which was,

On motion,

Referred to the committee on Education.

## REPORTS FROM COMMITTEES.

By Mr. Gibson, chairman of the Judiciary committee:

MR. PRESIDENT:

The Judiciary committee, who were directed to inquire into the expediency of reporting a bill regulating the subject of escheats, have

had that subject under consideration, and have directed me to report the following bill, and recommend its passage:

No. 64. A bill regulating escheated estates;

Which was read a first time and passed to a second reading.

By Mr. Anthony, from the Judiciary committee:

MR. PRESIDENT:

The committee on the Judiciary, to whom was referred the following resolution, viz: "That the committee on the Judiciary be instructed to inquire into the expediency of so amending the charter of the Rising Sun and Allensville turnpike company, approved January 19, 1850, as to allow said company the right of commencing work on said road at North's landing, in Ohio county, and to proceed in the direction of Allensville," have had the same under consideration, and have directed me to report the same back, and that the amendment proposed is unconstitutional, and ask to be discharged from the further consideration thereof.

Which was concurred in by the Senate.

By Mr. Gant, from the Judiciary committee:

MR. PRESIDENT:

The committee on the Judiciary, to whom was referred House bill No. 42, entitled "an act to establish and regulate ferries," have had the same under consideration, and have directed me to report the same back with the recommendation that the bill pass, and ask to be discharged from the further consideration thereof.

Which report was concurred in, and the bill ordered to a third reading.

By Mr. Anthony, from the Judiciary committee:

MR. PRESIDENT:

The committee on the Judiciary, to whom was referred House bill No. 59, entitled "an act to punish and prevent frauds in the use of false stamps and labels," have had the same under consideration, and have directed me to report the same back with the following amendment, and when so amended, recommend its passage, and ask to be discharged from the further consideration thereof.

Add after the words "not exceeding six months," in the 1st and 2d sections, the words "or be fined not exceeding one hundred dollars."

Mr. Gibson moved to concur with the following amendment:

Strike out the words "by a fine," in the last line of the 3d section, and insert the words "be fined."

Which was agreed to, and the bill ordered to a third reading.

By Mr. Griggs, from the Judiciary committee:

MR. PRESIDENT:

The committee to which was referred Senate bill No. 10, a bill to authorize alien friends to take lands by descent or devise, and releasing to such alien friends the interest of the State in lands heretofore escheated, upon condition of their removing to this State, or selling and conveying such lands to some citizen of this State, and providing for the appointment of guardians for such alien friends, when minors, have had the same under consideration, and directed me to report the same back and recommend its indefinite postponement.

Mr. Wilson of Harrison moved to lay the report and accompanying bill on the table.

A division of the question being called for,

The question was first taken on laying the report on the table,  
Which was decided in the affirmative.

The question then recurring on laying the bill on the table.

It was also decided in the affirmative.

The President laid before the Senate the following communication:

INDIANAPOLIS, February 7, 1853.

HON. A. P. WILLARD,

DEAR SIR: — We desire to present to the honorable body over which you preside, a specimen of the wares manufactured by the American Porcelain company of Green Point, N. Y. Not doubting that any evidence of American enterprise and skill will be regarded with favor by yourself and associates, we have therefore prepared the accompanying Inkstand, which we trust the Senate of Indiana will accept as a token of respect from

Your Obt. Servants,

WINCHELL & NICHOLS.

Whereupon Mr. Humphreys submitted the following resolution:

*Resolved*, That the thanks of the Senate be returned to Messrs. Winchell & Nichols for their present to the Senate of a specimen of the wares manufactured by the American Porcelain company of Green Point, N. Y., and that the Secretary of the Senate furnish a copy of this resolution to Messrs. Winchell & Nichols.

Which was unanimously adopted,

Report by Mr. Gibson, chairman of the Judiciary committee:

MR. PRESIDENT:

The committee on the Judiciary to whom was referred the following resolution, viz:

That the committee on the Judiciary inquire into the expediency of abolishing the present grand jury, and in lieu thereof re-instate the former grand jury system, have had the same under consideration, and directed me to report it back and recommend that it be laid on the table, deeming legislation on the subject at this time inexpedient, and ask to be discharged from the further consideration thereof.

Which was concurred in by the Senate.

By Mr. Harris from the Judiciary committee:

MR. PRESIDENT:

The committee on the Judiciary to whom was referred the following resolution, viz: That the committee on the Judiciary inquire into the expediency of so amending the law regulating contracts, that the contracting parties shall be held bound on all verbal contracts for the purchase or sale of personal property to any amount, providing the same can be proven, have had the same under consideration and have directed me to report the same back, and that it is in the opinion of the committee inexpedient to legislate on this subject, and ask to be discharged from the further consideration thereof.

Which was concurred in.

By Mr. Harris, from the Judiciary committee:

MR. PRESIDENT:

The committee on the Judiciary to which was referred the following resolution, viz: That the committee on the Judiciary be instructed to inquire into the expediency of amending section 650, article 36, chapter 1 of an act to revise, simplify and abridge the rules of practice, pleadings and forms in civil cases in the courts of this State, etc., approved June 18, 1852, so as to extend the time allowed to file notice of lien to one hundred and sixty days, and that they report by bill or otherwise, has had the same under consideration and have directed me to report the resolution back, and that the amendment proposed is inexpedient, and ask to be discharged from the further consideration thereof.

Which was concurred in by the Senate.

By Mr. Griggs, from the Judiciary committee:

MR. PRESIDENT:

The committee on the Judiciary to which was referred the following resolution, viz: That the Judiciary committee be instructed to inquire whether section 25, chapter 10, of the Revised Statutes,

can be enforced without further legislative action and report by bill or otherwise, have had the same under consideration and directed me to report the same back, and that it is the opinion of the committee that legislative action on this subject is unnecessary, and ask to be discharged from the further consideration thereof.

Which was concurred in.

By Mr. Anthony, from the Judiciary committee:

MR. PRESIDENT:

The committee on the Judiciary to whom was referred House bill No. 62, an act to enable illegitimate children to inherit in certain cases, have had the same under consideration, and have directed me to report the same back and recommend its passage, and ask to be discharged from the further consideration thereof.

Which was concurred in.

The bill was read the second time and ordered to a third reading.

By Mr. Anthony, chairman of the committee on the Organization of Courts:

MR. PRESIDENT:

The committee on the organization of courts to whom was referred Senate bill No. 50, entitled a bill to fix the salary of the judges of the supreme court, have had the same under consideration and have made the following amendment to the said bill:

Strike out all after the word each, in the sixth line, and when the bill is so amended, a majority of the said committee recommend its passage.

Which report was concurred in, and the amendment adopted.

The question being on ordering the bill to be engrossed,

Mr. Spann moved to strike out fifteen hundred dollars.

Pending which,

On motion by Mr. Edwards,

The Senate adjourned.

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2 o'clock, P. M.

The Senate assembled.

And resumed the consideration of the motion Mr. Spann.

The question being on striking out,

Messrs. Humphreys and Meeker demanded the ayes and noes.

*Those who voted in the affirmative were,*

Messrs. Adams, Butler, Combs, Cutshaw, Edwards, Gant, Glazebrook, Griggs, Hall, Harris, Hawthorn, Helm, Hendry, Horton Jackson of Madison, Jackson of Tipton, Meeker, Morrison, Shallenberger, Shields, Shook, Simpson, Slater, Spann, Vandeventer, Williams, Wilson of Harrison, Wilson of Jay and Witherow—29.

*Those who voted in the negative were,*

Messrs. Anthony, Barnett, Barton, Black, Cox, Edsall, Gibson, Greathouse, Gordon, Hosbrook, Humphreys, Powell, Reynolds, Richardson, and Roberts—15.

So the motion prevailed.

On motion by Mr. Spann,

The bill was laid on the table.

The President laid before the Senate the following communication from the doorkeeper of the Senate.

MR. PRESIDENT:

In compliance with the resolution offered in the Senate on the 4th inst., requiring the doorkeeper to inquire of the State Printer in regard to the printing of the report of public instruction, I have to say that I have conferred with the same, and have for answer the following report:

That the English edition of said report ordered by the Senate, 10,000 copies, are all printed and in the hands of the binder, also, the German edition for the Senate, 3,000 copies, are nearly printed, and both editions will be ready for distribution the present and next week.

W. H. BUFORD, *Doorkeeper of Senate.*

Mr. Shook submitted the following resolution:

*Resolved*, The House concurring that the Senate will, when it adjourns to-morrow, adjourn until Wednesday the 17th instant, and that during the recess, members shall not be entitled to per diem pay or mileage in going from, or returning to the Capitol during the adjournment.

Mr. Gibson moved to lay the resolution on the table,

Upon which the ayes and noes were demanded by Messrs. Shook and Humphreys.

*Those who voted in the affirmative were,*

Messrs. Adams, Anthony, Barnett, Barton, Brown, Butler, Combs,

Cox, Cutshaw, Edsall, Edwards, Gant, Gibson, Glazebrook, Great-house, Griggs, Gordon, Hall, Hawthorn, Helm, Hendry, Horton, Hosbrook, Humphreys, Jackson of Madison, Jackson of Tipton, Kightley, Meeker, Morrison, Powell, Reynolds, Richardson, Roberts, Shallenberger, Shields, Simpson, Slater, Sullivan, Vandeventer, Williams, Wilson of Harrison, Wilson of Jay and Witherow—43.

Messrs. Harris, Shook and Spann voted in the negative.

So the resolution was laid on the table.

#### BILLS INTRODUCED.

By Mr. Gibson:

No. 65, a bill to amend an act therein named,  
Which was read the first time and passed to a second reading.

By Mr. Meeker:

No. 66. A bill to enable turnpike companies heretofore chartered who have gone on to construct their roads, but have failed to complete the same within the time specified in the charter, to complete their unfinished roads.

Which was read the first time and passed to a second reading.

Leave being granted,

Mr. Gibson, chairman of the Judiciary committee, made the following report:

MR. PRESIDENT:

The Judiciary committee, to whom was referred Senate bill No. 29, a bill to enable non-resident aliens to take upon certain conditions, real estate by descent or devise, to provide for the partition and sale thereof, and defining the jurisdiction and duties of the courts of common pleas, and certain officers in relation thereto, have had the same under consideration, and have directed me to report the same back, and recommend its indefinite postponement.

On motion by Mr. Gibson,

The bill was laid on the table, and 150 copies ordered to be printed.

#### ORDERS OF THE DAY.

Senate bill No. 63. A bill to repeal an act therein named,  
Which was read a second time; and

On motion by Mr. Gibson,  
Referred to the Judiciary committee.

## SENATE BILLS ON THIRD READING.

On motion by Mr. Adams,

No. 43. A bill to repeal part of the first section of an act to amend an act to incorporate the Lake Michigan, Logansport and Ohio River Railroad Company,

Which failed on Saturday last for want of a constitutional vote, was taken up.

And the question being upon the passage of the bill,

*Those who voted in the affirmative were,*

Messrs. Adams, Anthony, Barnett, Barton, Combs, Cox, Cutshaw, Edsall, Edwards, Gant, Glazebrook, Griggs, Hall, Harris, Hawthorn, Helm, Horton, Hosbrook, Humphreys, Kightley, Meeker, Powell, Reynolds, Richardson, Roberts, Shallenberger, Shook, Simpson, Spann, Williams, Wilson of Harrison, and Wilson of Jay—32.

*Those who voted in the negative were,*

Messrs. Butler, Gibson, Gordon, Hendry, Jackson of Madison, Jackson of Tipton, Sullivan, Vandeventer, and Witherow—9.

• So the bill passed.

Ordered that the Secretary inform the House thereof.

No. 56. A bill to amend section 1st and section 12th of an act entitled an act to authorize the construction of levees and drains,

Was read the third time,

The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Adams, Anthony, Barnett, Barton, Combs, Cox, Edsall, Edwards, Gibson, Glazebrook, Griggs, Gordon, Hall, Harris, Hawthorn, Helm, Hendry, Horton, Hosbrook, Humphreys, Jackson of Madison, Jackson of Tipton, Kightley, Meeker, Morrison, Powell, Reynolds, Roberts, Shallenberger, Shields, Shook, Simpson, Spann, Sullivan, Vandeventer, Williams, Wilson of Harrison, and Wilson of Jay—38.

Messrs. Butler, Cutshaw, Gant, and Witherow voted in the negative—4.

So the bill passed.

Ordered that the Secretary inform the House thereof.

No. 59. A bill to amend an act entitled "an act for the more uniform mode of doing township business," approved May 6, 1852,  
 Was read the third time,  
 The question being on the passage of the bill.

*Those who voted in the affirmative were,*

Messrs. Adams, Anthony, Barton, Barnett, Brown, Butler, Combs, Cox, Cutshaw, Edsall, Edwards, Gant, Gibson, Glazebrook, Griggs, Gordon, Hall, Harris, Hawthorn, Helm, Hendry, Horton, Hosbrook, Humphreys, Jackson of Madison, Kightley, Meeker, Morrison, Powell, Reynolds, Roberts, Shallenberger, Shields, Simpson, Spann, Vandeventer, Wilson of Jay and Witherow—38.

*Those who voted in the negative were,*

Messrs. Jackson of Tipton, Shook, Sullivan, Williams and Wilson of Harrison—5.

So the bill passed.

Ordered that the Secretary inform the House thereof.

No. 62. A bill to amend the 4th section of an act entitled "an act touching the relation of guardian and ward," approved June 9, 1852,

Was read the third time,

The question being on the passage of the bill.

*Those who voted in the affirmative were,*

Messrs. Adams, Anthony, Barnett, Barton, Brown, Butler, Combs, Cox, Cutshaw, Edsall, Edwards, Gant, Gibson, Glazebrook, Griggs, Gordon, Hall, Harris, Hawthorn, Helm, Hendry, Horton, Hosbrook, Humphreys, Jackson of Madison, Jackson of Tipton, Kightley, Meeker, Morrison, Powell, Reynolds, Roberts, Shallenberger, Shields, Shook, Simpson, Spann, Sullivan, Vandeventer, Williams, Wilson of Harrison, Wilson of Jay and Witherow—43.

No Senator voting in the negative

So the bill passed.

Ordered that the Secretary inform the House thereof.

No. 61. A bill to change the time of holding circuit courts in the 2d judicial circuit,

Was read a third time,

The question being on the passage of the bill.

*Those who voted in the affirmative were,*

Messrs. Adams, Barnett, Barton, Brown, Butler, Combs, Cox, Cutshaw, Edsall, Edwards, Gant, Gibson, Glazebrook, Griggs, Gordon, Hall, Harris, Hawthorn, Helm, Hendry, Hosbrook, Humphreys, Jackson of Madison, Jackson of Tipton, Kightley, Meeker, Morrison, Powell, Reynolds, Richardson, Roberts, Shallenberger, Shields, Shook, Simpson, Spann, Sullivan, Vandeventer, Williams, Wilson of Harrison, Wilson of Jay and Witherow—42.

Mr. Horton voted in the negative.

So the bill passed.

Ordered that the Secretary inform the House thereof.

On motion by Mr. Adams,

The order of business was suspended, and joint resolution of the Senate No. 8, was taken up.

A joint resolution asking indemnity from the Congress of the United States for the failure of the title to lands heretofore granted by Congress to the State of Indiana, for the use of a seminary of learning.

The question being on the passage of the joint resolution,

*Those who voted in the affirmative were,*

Messrs. Adams, Anthony, Barnett, Barton, Brown, Butler, Combs, Cox, Cutshaw, Edsall, Edwards, Gant, Gibson, Glazebrook, Great-house, Griggs, Gordon, Hall, Harris, Hawthorn, Hendry, Horton, Hosbrook, Humphreys, Jackson of Madison, Jackson, of Tipton, Kightley, Meeker, Morrison, Powell, Reynolds, Richardson, Roberts, Shallenberger, Shields, Shook, Simpson, Slater, Spann, Sullivan, Vandeventer, Williams, Wilson of Harrison, Wilson of Jay and Witherow—45.

No Senator voting in the negative.

So the joint resolution was passed.

Ordered that the Secretary inform the House thereof.

#### HOUSE BILLS ON THIRD READING.

No. 22. A bill to repeal section 6 of an act entitled "an act defining felonies, and prescribing punishment therefor," approved June 10, 1852.

Was read a third time.

The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Adams, Anthony, Barnett, Barton, Brown, Combs, Cox, Cutshaw, Edsall, Gant, Gibson, Glazebrook, Greathouse, Gordon, Hall, Harris, Hendry, Horton, Hosbrook, Jackson of Madison, Roberts, Slater, Spann, Sullivan, Williams and Witherow—26.

*Those who voted in the negative were,*

Messrs. Edwards, Griggs, Hawthorn, Jackson of Tipton, Kightley, Meeker, Morrison, Powell, Shallenberger, Shook, Simpson, Wilson of Harrison and Wilson of Jay—13.

So the bill passed.

Ordered that the Secretary inform the House thereof.

No. 28. A bill to repeal an act entitled "an act for the relief of certain land holders within the corporate limits of the city of Rising Sun in Ohio county," approved January 5, 1849.

Was read a third time.

The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Anthony, Barnett, Barton, Brown, Combs, Cox, Cutshaw, Edsall, Edwards, Greathouse, Hall, Harris, Hawthorn, Helm, Hendry, Hosbrook, Humphreys, Jackson of Madison, Jackson of Tipton, Powell, Richardson, Roberts, Shallenberger, Shields, Shook, Simpson, Slater, Spann, Sullivan, Wilson of Harrison and Wilson of Jay—31.

*Those who voted in the negative were,*

Messrs. Butler, Gant, Glazebrook, Griggs, Horton, Kightley, Meeker, Morrison, Vandeventer, Williams, and Witherow—11.

So the bill passed.

Ordered that the Secretary inform the House thereof.

On motion by Mr. Gibson,

The rules were suspended; and,

Senate bill No. 29, a bill to enable non-resident aliens to take, upon certain conditions, real estate by descent or devise, to provide for the partition and sale thereof and defining the jurisdiction and duties of the courts of common pleas, and certain officers in relation thereof.

Was taken from the table; when

Mr. Shields submitted the following amendment:

SEC. 10. The clerks of the several courts of common pleas and

county treasurers, shall pay out to the legal heirs of said deceased on proper proof of their right to receive the same, any moneys that may come into their hands as aforesaid.

Which was adopted; and,

On motion by Mr. Gibson,

The bill was laid on the table.

No. 46. A bill to amend an act entitled "an act for the incorporation of insurance companies, defining their powers and prescribing their duties," approved June 17, 1852.

Was read a third time.

The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Adams, Anthony, Barnett, Barton; Butler, Combs, Cox, Cutshaw, Edsall, Gibson, Greathouse, Griggs, Gordon, Hall, Harris, Hawthorn, Hendry, Horton, Hosbrook, Humphreys, Jackson of Madison, Jackson of Tipton, Kightley, Morrison, Powell, Reynolds, Richardson, Roberts, Shallenberger, Shields, Simpson, Slater, Sullivan, Vandeventer, Williams, Wilson of Harrison, Wilson of Jay and Witherow—38.

*Those who voted in the negative were,*

Messrs. Brown, Edwards, Gant, Glazebrook, Helm, Meeker, and Shook—7.

So the bill passed.

Ordered that the Secretary inform the House thereof.

No. 51. A bill to amend an act entitled "an act to provide for the organization of county boards, and prescribing some of their powers and duties," approved June 17, 1852.

Was read a third time.

The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Adams, Anthony, Barnett, Brown, Butler, Combs, Cox, Edsall, Edwards, Gant, Glazebrook, Greathouse, Griggs, Gordon, Harris, Hawthorn, Helm, Hendry, Horton, Hosbrook, Jackson of Madison, Jackson of Tipton, Kightley, Meeker, Morrison, Powell, Reynolds, Richardson, Roberts, Shallenberger, Shook, Simpson, Slater, Sullivan, Vandeventer, Williams, Wilson of Harrison, Wilson of Jay and Witherow—39.

Messrs. Cutshaw, and Shields voted in the negative—2.

So the bill passed.

Ordered that the Secretary inform the House thereof.

On motion by Mr. Wilson of Harrison,

The rules were suspended and Senate bill No. 49, a bill to amend the 5th, 6th, 7th and 16th sections of an act entitled "an act to authorize and regulate the business of general banking, approved May 28th, 1852, and to require banks heretofore organized, and have commenced operations under the said act, to comply with the provisions of this act.

Was taken from the table, and made the special order of the day for Monday next at 2 o'clock.

#### HOUSE JOINT RESOLUTION.

No. 19. A joint resolution relative to the Michigan City harbor.  
Was read a third time,  
The question being, shall the joint resolution pass?

*Those who voted in the affirmative were,*

Messrs. Adams, Anthony, Barnett, Barton, Brown, Butler, Combs, Cox, Cutshaw, Edsall, Edwards, Gant, Gibson, Glazebrook, Greathouse, Griggs, Gordon, Harris, Hawthorn, Helm, Hendry, Horton, Hosbrook, Jackson of Madison, Jackson of Tipton, Kightley, Meeker, Morrison, Powell, Reynolds, Richardson, Roberts, Shallenberger, Shook, Simpson, Spann, Vandeventer, Williams, Wilson of Harrison, Wilson of Jay and Witherow—41.

Messrs. Humphreys and Shields voted in the negative.

So the joint resolution passed.

Ordered that the Secretary inform the House thereof.

No. 20. A joint resolution relating to the construction of a canal around the falls of the Ohio.

Was read a third time:

The question being, shall the joint resolution pass?

*Those who voted in the affirmative were,*

Messrs. Adams, Anthony, Barnett, Barton, Brown, Butler, Combs, Cox, Cutshaw, Edsall, Edwards, Gant, Gibson, Glazebrook, Greathouse, Griggs, Gordon, Harris, Hawthorn, Helm, Hendry, Horton, Hosbrook, Humphreys, Jackson of Madison, Jackson of Tipton, Kightley, Meeker, Morrison, Powell, Reynolds, Richardson, Roberts, Shallenberger, Shields, Shook, Simpson, Slater, Spann, Sullivan, Vandeventer, Williams, Wilson of Harrison, Wilson of Jay and Witherow—45.

No Senator voting in the negative.

So the joint resolution passed.

Ordered that the Secretary inform the House thereof.

The following message from the House of Representatives, was taken up.

MR. PRESIDENT :

I am directed by the House of Representatives to inform the Senate, that the House have concurred in the following resolution of the Senate:

*Resolved*, That the committee on the State Prison be directed to proceed to Jeffersonville on Tuesday next, to examine into all matters pertaining to the penitentiary, its condition, the treatment of the convicts, and such other things as in their judgment may afford a correct facility to legislate upon the proposed change and additions to that institution.

Also, the following message from the House of Representatives was taken up:

MR. PRESIDENT :

I am directed by the House of Representatives to inform the Senate that the House have passed the following engrossed bills thereof, viz:

House bill No. 83. An act to amend an act entitled, "an act for the support and management of the Indiana Institute for the Education of the Blind," approved June 18, 1852, also amendatory to an act entitled, "an act to provide for the government and support of the Institution for the Education of the Deaf and Dumb," approved June 14, 1852.

House bill No. 89. An act to prohibit the city of Rising Sun, from subscribing stock in any company to construct roads leading to or from said city, except on conditions contained in this act.

In which the concurrence of the Senate is respectfully requested.

Bills Nos. 83 and 89, contained in the message, were each read the first time and ordered to a second reading.

Also, the following message from the House of Representatives was taken up:

MR. PRESIDENT :

I am directed by the House of Representatives to inform the Senate, that the House refuses to concur in the engrossed amendments of the Senate to House bill No. 37, an act to change the time of holding circuit courts in the seventh judicial circuit.

On motion by Mr. Edsall,

The Senate insisted on its engrossed amendments to House bill No. 37 contained in the message, and a committee of free conference consisting of Senators Edsall and Harris was appointed.

Mr. Reynolds introduced,

No. 67. A bill to authorize justices of the peace to issue subpoenas for witnesses to adjoining counties, and fixing their fees.

Which was read a first time and passed to a second reading.

The following message was received from the House of Representatives, by Mr. Bowes, their Clerk.

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the Speaker has signed the following enrolled bills of the House:

No. 45. An act to amend an act entitled "an act touching official bonds and oaths," approved June 9, 1852.

No. 53. An act amendatory of the sixth section of an act entitled "an act to authorize and limit allowances by courts and boards, and drafts upon county treasurers," approved May 27, 1852, and to authorize allowances to poor persons in certain cases.

No. 65. An act to amend an act entitled "an act in relation to county treasurers," approved June 4, 1852.

No. 69. An act to amend an act entitled "an act to enable trustees to receive lands and donations, and convey the same for the use of Schcols, Churches, Religious Societies, Masonic and Odd Fellows Lodges, Sons and Daughters of Temperance, and for the construction of Cemeteries, houses of worship or other buildings therein mentioned," approved June 17, 1852.

Also, joint resolution No. 15. A joint resolution instructing our Senators and requesting our Representatives in Congress to use their influence to procure the passage of an act for the relief of John Linsey and James Elliott,

Which I am directed to bring to the Senate for the signature of the President thereof;

Whereupon the President affixed his signature thereto.

Ordered that the Secretary inform the House thereof.

Also, the following message was received from the House of Representatives, by Mr. Bowes, their Clerk:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Sen-

ate that the Speaker has signed the following enrolled bill of the House:

No. 52. An act to amend an act entitled "an act for the incorporation of towns, defining their powers, providing for the election of the officers thereof, and declaring their duties," approved June 11, 1852.

Which I am directed to bring to the Senate for the signature of the President thereof;

Whereupon the President affixed his signature thereto.

Ordered that the Secretary inform the House thereof.

On motion by Mr. Humphreys,

The Senate adjourned until to-morrow morning 9 o'clock.

TUESDAY MORNING, 9 o'clock, {  
February 8, 1853. }

The Senate assembled.

On motion by Mr. Edwards,

The reading of the Journal was dispensed with.

The following report was submitted by Mr. Gant, from the Judiciary committee:

MR. PRESIDENT:

The committee on the Judiciary to which was referred the following resolution, viz: That the committee on the Judiciary be and they are hereby instructed to inquire whether the 117th section of the act in relation to the assessment and collection of taxes, approved June 21, 1852, will not make county treasurers responsible for a dereliction of duty of their predecessors in office, which will be manifestly unjust in its operation, and if thought expedient to report an amendment correcting the same, have had the resolution under consideration, and have directed me to report the same back and that no such liability exists under the section, and ask to be discharged from the further consideration thereof.

Which was concurred in by the Senate.

## RESOLUTIONS OF THE SENATE.

On motion by Mr. Hawthorn,

*Resolved*, That the State Librarian be requested to deliver one bound copy of the Journals of the Senate and House of Representatives of the session of 1851 and 1852, for the use of each Senator, and that the same be paid for out of the State treasury.

On motion by Mr. Brown,

*Resolved*, That the committee on Swamp Lands be instructed to inquire into the expediency of so altering the law on that subject regulating the price of said lands, as to graduate the price of the same on all unsold lands, after they shall have been offered for sale, with leave to report by bill or otherwise.

On motion by Mr. Anthony,

*Resolved*, That the committee on the Judiciary inquire into the expediency of amending section 59, page 461, vol. 2, of Revised Statutes of 1852, so that confession of judgments may be taken by power of attorney as in section 385, page 124, of vol. 2, of the Revised Code.

On motion by Mr. Adams,

*Resolved*, That the State Printer be directed, that of the 5000 copies of the report of the Trustees of the State University, which have been ordered to be printed for the use of the Senate, to deliver to the Senate 1000 copies; to the House of Representatives 1500 copies, and reserve the balance subject to the order of the faculty.

## ORDERS OF THE DAY.

On motion by Mr. Gibson,

The order of business was suspended, and bills on the third reading were taken up.

Senate bill No. 63. A bill to repeal section 3d of an act entitled an act touching vacancies in office and filling the same by appointment, approved May 13, 1852.

Was read the third time.

The question being on the passage of the bill,

*Those who voted in the affirmative were,*

Messrs. Adams, Anthony, Barnett, Black, Brown, Butler, Combs, Cutshaw, Edsall, Edwards, Gant, Gibson, Glazebrook, Grigs, Gordon, Hall, Harris, Hawthorn, Helm, Hendry, Horton, Hosbrook, Humphreys, Jackson of Madison, Jackson of Tipton, Kightley, Meeker,

Powell, Reynolds, Richardson, Robers, Shallenberger, Shields Shook, Simpson, Spann, Sullivan, Vandeventer, Williams, Wilson of Jay, and Witherow—41.

No Senator voting in the negative.

So the bill passed.

Ordered that the Secretary inform the House thereof.

#### HOUSE BILLS ON THIRD READING.

No. 42. A bill to amend an act entitled an act to establish and regulate ferries, approved June 17, 1852.

Was read a third time.

The question being on the passage of the bill,

*Those who voted in the affirmative were,*

Messrs. Barnett, Barton, Black, Brown, Combs, Cutshaw, Edsall, Edwards, Gant, Gibson, Glazebrook, Greathouse, Griggs, Gordon, Hall, Harris, Hawthorn, Helm, Hendry, Horton, Hosbrook, Jackson of Madison, Meeker, Morrison, Powell, Richardson, Roberts, Shook, Simpson and Vandeventer—30.

*Those who voted in the negative were,*

Messrs. Adams, Butler, Humphreys, Jackson of Tipton, Kightley, Shallenberger, Sullivan, Williams, Wilson of Jay and Witherow—10.

So the bill passed.

Ordered that the Secretary inform the House thereof.

No. 59. A bill to prevent and punish frauds in the use of false stamps and labels.

Was read a third time.

And the question being on the passage of the bill,

*Those who voted in the affirmative were,*

Messrs. Adams, Barnett, Barton, Brown, Butler, Combs, Cox, Cutshaw, Edsall, Edwards, Gant, Gibson, Glazebrook, Greathouse, Griggs, Gordon, Hall, Harris, Hawthorn, Helm, Hendry, Horton, Hosbrook, Humphreys, Jackson of Madison, Jackson of Tipton, Kightley, Meeker, Morrison, Powell, Richardson, Roberts, Shallen-

berger, Shook, Simpson, Spann, Vandeventer, Williams, Wilson of Jay and Witherow—40.

No person voting in the negative.

So the bill passed.

Ordered that the Secretary inform the House thereof.

No. 62. A bill to enable illegitimate children to inherit in certain cases,

Was read a third time.

And the question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Adams, Barnett, Brown, Butler, Combs, Cox, Cutshaw, Edsall, Edwards, Gant, Gibson, Greathouse, Griggs, Gordon, Hall, Harris, Hawthorn, Helm, Hendry, Horton, Hosbrook, Humphreys, Jackson of Madison, Kightley, Meeker, Morrison, Powell, Richardson, Shallenberger, Shook, Simpson, Slater, Vandeventer, Williams, Wilson of Jay and Witherow—37.

Mr. Jackson of Tipton voted in the negative.

So the bill passed.

Ordered that the Secretary inform the House thereof.

#### SENATE BILLS ON SECOND READING.

No. 64. A bill regulating escheated estates,

Was read a second time by the title; and,

On motion by Mr. Gibson,

Laid on the table and 150 copies ordered to be printed.

No. 65. A bill to amend an act therein named,

Was read a second time.

Mr. Gibson moved to suspend the rules, and read the bill a third time.

The question being on suspending the rules.

*Those who voted in the affirmative were,*

Messrs. Adams, Barnett, Barton, Brown, Butler, Combs, Cox, Cutshaw, Edsall, Edwards, Gibson, Glazebrook, Greathouse, Griggs, Gordon, Hall, Harris, Hawthorn, Helm, Hendry, Horton, Hosbrook, Humphreys, Jackson of Tipton, Kightley, Meeker, Powell, Richardson, Roberts, Shallenberger, Shook, Simpson, Slater, Vandeventer, Williams, Wilson of Jay and Witherow—37.

Messrs. Gant and Morrison voted in the negative.

So the rules were suspended, and the bill read a third time.

And the question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Adams, Barnett, Barton, Brown, Butler, Combs, Cox, Cutshaw, Edsall, Edwards, Gibson, Glazebrook, Griggs, Gordon, Hall, Harris, Hawthorn, Helm, Hendry, Horton, Hosbrook, Humphreys, Jackson of Madison, Jackson of Tipton, Kightley, Meeker, Powell, Roberts, Shallenberger, Shields, Shook, Simpson, Slater, Sullivan, Vandeventer, Williams, Wilson of Jay and Witherow—38.

Messrs. Gant, Morrison and Richardson voted in the negative—3.

So the bill passed.

Ordered that the Secretary inform the House thereof.

No. 66. A bill to enable turnpike companies heretofore chartered, who have gone on to construct their roads, but have failed to complete the same within the time specified in their charters, to complete their unfinished roads.

Was read a second time; and,

On motion by Mr. Morrison,  
Referred to the committee on roads.

No. 67. A bill to authorize justices of the peace to issue subpoenas for witnesses to adjoining counties, and fixing their fees.

Was read a second time by the title; and,

On motion by Mr. Anthony,  
Referred to the Judiciary committee.

#### HOUSE BILLS ON SECOND READING.

No. 83. An act to amend an act entitled, "an act for the support and management of the Indiana Institute for the Education of the Blind," approved June 18th, 1852; also, amendatory to an act entitled "an act to provide for the government and support of the Institution for the Education of the Deaf and Dumb," approved June 14, 1852.

Was read the second time by the title; and,

On motion by Mr. Edwards,  
Referred to the committee on Benevolent Institutions.

No. 89. A bill to prohibit the city of Rising Sun, from subscribing stock in any company to construct roads leading to or from said city, except on conditions contained in this act.

Was read a second time by the title: and,

Referred to a select committee of five,

And Senators Powell, Sullivan, Brown and Adams, were appointed said committee.

On motion by Mr. Humphreys,  
The Senate adjourned.

2 O'CLOCK, P. M.

The Senate assembled.

On motion,

Mr. Spann took the chair.

The following message was received from the House of Representatives, by Mr. Bowes their Clerk :

MR. PRESIDENT :

I am instructed by the House of Representatives to inform the Senate that the Speaker has signed the following enrolled joint resolutions of the House :

No. 19. A joint resolution relative to the Michigan City harbor ; and,

No. 20. A joint resolution relating to the construction of a canal around the falls of the Ohio.

Which I am directed to bring to the Senate for the signature of the President thereof.

Whereupon the President affixed his signature thereto.

Mr. Harris introduced joint resolution

No. 9. A joint resolution relative to granting pensions to widows and orphans.

Which was read the first time and passed to a second reading.

The following message was received from the House of Representatives, by Mr. Bowes, their Clerk :

MR. PRESIDENT :

I am directed by the House of Representatives to inform the Senate that the House insists on its disagreement to the engrossed amendment of the Senate to House bill No. 3, entitled "an act to change the time of holding circuit courts in the 10th judicial circuit," and have appointed Messrs. Spencer and Hooper a committee on the part of the House, to act with a similar committee on the part of the Senate.

Also the following message was received from the House of Representatives.

MR. PRESIDENT :

I am directed by the House of Representatives to inform the Senate that the House has concurred in the engrossed amendments of the Senate to House bill No. 13, "an act to amend an act entitled 'an act providing for the appointment of notaries public, and defining their

powers and duties,' approved June 9, 1852, amending section 2d, and repealing section 3d of said act;" also, No. 49, "a bill to authorize voluntary associations to hold and convey property, and to pass and enforce by-laws for their benefit."

Also, the following message was received from the House of Representatives:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House has concurred in the following resolution of the Senate:

*Resolved*, That, the House concurring, the trustees of the Asylum for the Deaf and Dumb be and they are hereby instructed to accept the resignation of James S. Brown, the present principal superintendent, according to his request, as heretofore requested, and proceed to fill the vacancy as the law prescribes.

Mr. Humphreys introduced joint resolution

Mr. 10. A joint resolution on the subject of reservoirs in Clay county, erected by the Wabash and Erie canal, requiring the removal of the timber therefrom.

Which was read the first time and passed to its second reading.

Mr. Sullivan submitted the following resolution:

*Resolved*. That the Doorkeeper be, and is hereby instructed to call on the postmaster of this city, and notify him that the Senate has rescinded the contract with him to mail documents and papers.

Mr. Gordon moved to lay the resolution on the table;

Which was decided in the affirmative.

Mr. Gibson moved to adjourn;

Which was not agreed to.

Mr. Brown presented a pamphlet entitled "A sure cure for the teetotal mania, and a quietus for the Maine liquor law;"

Which was,

On motion,

Referred to the committee on Temperance.

Mr. Gordon presented a memorial on the subject of temperance;

Which was,

On motion,

Referred to the Temperance committee.

Mr. Horton submitted the following resolution:

*Resolved*, That the Senate will, the House of Representatives concurring, adjourn *sine die* on the 22d instant.

Mr. Hendry moved to amend by adding "if the business is disposed of."

Which was agreed to.

On motion by Mr. Gibson,

The resolution was laid on the table.

On motion,

The Senate adjourned.

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WEDNESDAY MORNING, 9 o'clock, }  
February 9, 1853. }

The Senate assembled.

On motion by Mr. Meeker,

The reading of the journal was dispensed with.

Mr. Richardson made the following report from the committee on Corporations:

**MR. PRESIDENT:**

The committee on Corporations to whom was referred Senate bill No. 24, "an act regulating foreign insurance companies," have had the same under consideration, and a majority of the committee have directed me to report the bill and amendment back to the Senate, and ask that it be laid on the table.

Which report was concurred in, and the bill laid on the table.

#### BILLS INTRODUCED.

By Mr. Brookshire:

No. 58. A bill to fix the price of the Indiana Reports,

Which was read the first time and passed to a second reading.

By Mr. Anthony:

No. 69. A bill to amend an act to provide for the incorporation of railroad companies, approved May 6, 1852,

Which was read the first time and passed to a second reading.

The President laid before the Senate the following communication of the State Librarian.

STATE LIBRARY, }  
 INDIANAPOLIS, Feb. 9, 1853. }

HON. A. P. WILLARD,

*President of the Senate:*

SIR—Please lay the accompanying communication before the Senate over which you have the honor to preside.

Very respectfully,

N. BOLTON, *State Librarian.*

STATE LIBRARY, }  
 INDIANAPOLIS, Feb. 9, 1853. }

*To the Honorable Senate of Indiana:*

In obedience to a resolution of your Honorable body, adopted on yesterday, in relation to furnishing the Senate with bound copies of the Senate and House Journals for 1851 and 1852; it becomes my duty to state, that it will be out of my power to furnish the Senate with either bound or unbound copies of the Journal of the House, the supply being exhausted by resolutions of the House adopted at the commencement of the session. The Senate Journals can be furnished; but they will have to be bound; which can be done I suppose, previous to the adjournment of the present session.

Respectfully submitted,

N. BOLTON, *State Librarian.*

On motion by Mr. Humphreys,

The vote of yesterday upon the resolution requesting the State Librarian to furnish copies of the Journals of last session, was reconsidered; when,

On motion,

The resolution was laid on the table.

On motion by Mr. Sullivan,

Senate bill No. 40. A bill to amend an act entitled "an act regulating the fees of officers," approved June 16, 1852,

Was taken from the table.

The question being on the passage of the bill.

Mr. Sullivan moved to recommit to the committee on Finance, with instructions to strike out the second proviso, which reads as follows:

*Provided, further,* That the treasurer shall not be entitled to charge or receive any percentage or commission, for receiving and paying over certificates or receipts for taxes, or work done on roads and highways,

Which was agreed to.

Joint resolution of the Senate No. 10, a joint resolution on the

subject of reservoirs in Clay county, erected by the Wabash and Erie canal, requiring the removal of the timber therefrom,

Was read a second time by the title; and,

On motion,

Referred to the committee on Canals and Internal Improvements.

Joint resolution of the Senate, No. 9, a joint resolution relative to granting pensions to widows and orphans.

Was read the second time and ordered to be engrossed.

The following message was received from the House of Representatives by Mr. Bowes their clerk:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the Speaker has signed the following enrolled bills of the House:

No. 13. An act to amend an act entitled "an act to provide for the appointment of notaries public and defining their powers and duties," approved June 9th, 1852, amending section 2 and repealing section 3 of said act; and,

No. 49. An act to authorize voluntary associations to hold and convey property.

Which I am directed to bring to the Senate for the signature of the President thereof.

Whereupon the President affixed his signature thereto.

Ordered, that the Secretary inform the House thereof.

Also, the following message was received from the House of Representatives:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House has passed engrossed joint resolution of the Senate,

No. 8. A joint resolution asking indemnity from the Congress of the United States for a failure of the title to a portion of the lands heretofore granted by Congress to the State of Indiana for the use of a seminary of learning.

Without amendment.

Also, the following message was received from the House of Representatives:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House have passed the following engrossed joint resolution, to-wit:

No. 4. A joint resolution in regard to a right of way.

Without amendment.

Also, the following message was received from the House of Representatives:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House have passed the following engrossed bill of the Senate:

Bill No. 37. A bill to amend an act entitled "an act for the incorporation of insurance companies, defining their powers, and prescribing their duties," approved June 17th, 1852.

Without amendment.

Also, the following message from the House of Representatives was taken up:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House have passed the following engrossed bill of the Senate:

Bill No. 35. A bill to provide for the punishment of persons guilty of counseling and advising, aiding and abetting in this State, in the perpetration or attempt to perpetrate a felony in another State, with the following engrossed amendments thereto:

In which the concurrence of the Senate is respectfully requested.

On motion by Mr. Adams,

The Senate concurred in the engrossed amendments of the House to Senate bill No. 35, contained in the message.

Also, the following message from the House of Representatives was taken up:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House has passed the following engrossed bills thereof:

Bill No. 82. An act to regulate the permission of foreign insurance companies to establish agencies within this State.

Bill No. 84. A bill to prevent the gathering of cranberries on the public lands in the State of Indiana, before they are ripe.

Bill No. 94. An act to provide for an addition to the library at the hospital, for the use of the insane.

In which the concurrence of the Senate is respectfully requested.

Bills Nos. 82, 84 and 94, contained in the message, were severally read the first time and ordered to a second reading.

Mr. Gibson submitted the following resolution;

*Resolved*, That when the Senate adjourns, it will adjourn to meet to-morrow morning.

Which was adopted.

On motion by Mr. Black,  
Leave of absence was granted to Mr. Barnett.

Mr. Witherow submitted the following report from the Judiciary committee:

MR. PRESIDENT:

The committee on the Judiciary, to whom was referred Senate bill No. 67, "a bill to authorize justices of the peace to issue subpœnas for witnesses to adjoining counties, and fixing their fees," have had the same under consideration, and have directed me to report the bill back with the following amendment: Strike out section 5. And when so amended, recommend its passage; and ask to be discharged from the further consideration thereof.

Which report was concurred in, the amendment adopted, the bill read a second time and ordered to be engrossed.

Mr. Butler introduced the following bill:

No. 70. A bill relative to loaning the school and surplus revenue funds;

Which was read the first time, and passed to a second reading.

Mr. Powell submitted the following report from a select committee:

MR. PRESIDENT:

The select committee to whom was referred House bill No. 89, entitled "an act to prohibit the city of Rising Sun from subscribing stock in any company to construct roads leading to or from said city except on conditions contained in this act," direct me to submit the following amendment. Amend the first section by adding the word "resident," so as to make it read "resident owners" of real estate, &c., and to recommend its passage.

Which report was concurred in, the amendment adopted, and the bill ordered to a third reading.

On motion by Mr. Shallenberger,  
The Senate adjourned.

THURSDAY MORNING, 9 o'clock, }  
February 10, 1853. }

The Senate assembled.

On motion by Mr. Adams,  
The reading of the Journal was dispensed with.

#### REPORTS FROM COMMITTEES.

By Mr. Sullivan, chairman of the committee on Finance:

MR. PRESIDENT:

The committee on Finance, to whom was referred the resolution inquiring into the expediency of fixing a penalty for improper list of personal property, have had the same under consideration, and directed me to report that legislation on the subject is inexpedient, as the existing laws are sufficient in such cases.

Which was concurred in.

By Mr. Sullivan, from the committee on Finance:

MR. PRESIDENT:

The committee on Finance to whom was referred the resolution inquiring into the expediency of amending sections 96 and 123 of the Revised Statutes of 1852, have had the same under consideration and direct me to report the following bill and recommend its passage.

No. 71. A bill to amend sections 96 and 123 of the assessment laws, approved June 21, 1852.

Which was read the first time and passed to a second reading.

#### BILLS INTRODUCED.

By Mr. Richardson:

No. 72. A bill to require county commissioners to perform certain duties in relation to the refunding of taxes wrongfully assessed and collected.

Which was read the first time and passed to a second reading.

By Mr. Gibson:

No. 73. A bill to amend the 17th section of an act entitled an act prescribing who may make a will, the effect thereof, what may be devised, regulating the revocation, admission to probate and contest thereof.

Which was read the first time and passed to a second reading.

The President laid before the Senate the following communication from the State Librarian.

STATE LIBRARY, }  
INDIANAPOLIS, Feb. 9, 1853. }

HON. A. P. WILLARD,  
*President of the Senate.*

SIR:—Please lay the accompanying report before the body over which you have the honor to preside.

Very respectfully,  
N. BOLTON, *State Librarian.*

Which report was,

On motion by Mr. Gibson,  
Laid on the table, and 500 copies ordered to be printed.  
Leave being granted,  
Mr. Gibson submitted the following resolution:

*Resolved*, That the committee on the Judiciary be instructed to inquire into the expediency of amending the law so as to dispense with security from an executor, when the will of the decedent so directs.

Which was adopted.

Mr. Hosbrook introduced,

No. 74. A bill to amend the second division of Section 211, of the first chapter of part second of the 2d vol. of Revised Statutes of 1852,

Which was read the first time and passed to a second reading.

#### ORDERS OF THE DAY.

Senate joint resolution No. 9, a joint resolution relative to granting pensions to widows and orphans,

Was read the third time.

The question being, shall the joint resolution pass?

*Those who voted in the affirmative were,*

Messrs. Adams. Anthony, Barton, Black, Brookshire, Butler, Combs, Cox, Cutshaw, Edsall, Gant, Gibson, Glazebrook, Griggs, Gordon, Hall, Harris, Hawthorn, Helm, Hendry, Horton, Hosbrook, Humphreys, Jackson of Tipton, Kightley, Meeker, Morrison, Odell, Powell, Richardson, Shallenberger, Shook, Spann, Sullivan, Vandeventer, Williams, Wilson of Jay, and Witherow—38.

No Senator voted in the negative.

So the joint resolution passed.

Ordered, that the Secretary inform the House thereof.

## SENATE BILLS ON SECOND READING.

No. 70. An act relative to loaning the school and surplus revenue fund,

Was read the second time; and,

On motion by Mr. Meeker,

Referred to the committee on Education.

On motion by Mr. Sullivan,

The vote referring Senate bill No. 70 to the committee on Education,

Was reconsidered; when

Mr. Sullivan offered the following amendment:

Amend by adding "buy 6 per cent bonds of the State of Indiana."

Pending which,

On motion by Mr. Adams,

The bill and amendment were referred to the committee on Education.

No. 83. A bill to fix the price of the Indiana Reports,

Was read a second time; and

On motion by Mr. Butler,

Referred to the Judiciary committee.

No. 69. An act to amend an act to provide for the incorporation of railroad companies, approved May 6, 1852,

Was read a second time; and,

On motion by Mr. Anthony,

Referred to the Judiciary committee.

## HOUSE BILLS ON SECOND READING.

No. 94. A bill to provide for an addition to the library at the Hospital for the use of the Insane,

Was read the second time; and,

On motion by Mr. Horton,

Referred to the committee on Public Expenditures.

No. 84. A bill to prevent the gathering of cranberries on the public lands in the State of Indiana, before they are ripe,

Was read a second time; and,

On motion by Mr. Anthony,

Referred to the Judiciary committee.

No. 82. A bill to regulate the permission of foreign insurance companies to establish agencies within this State,

Was read the second time by the title; and,

On motion by Mr. Harris,

Referred to the Judiciary committee.

## SENATE BILLS ON THIRD READING.

No. 67. A bill to authorize justices of the peace to issue subpoenas for witnesses to adjoining counties, and fixing their fees,

Was read a third time.

And the question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Adams, Anthony, Barton, Black, Brookshire, Butler, Combs, Cox, Cutshaw, Edsall, Gant, Gibson, Glazebrook, Griggs, Gordon, Hall, Harris, Hawthorn, Helm, Hendry, Horton, Hosbrook, Humphreys, Jackson of Madison, Jackson of Tipton, Kightley, Meeker, Morrison, Odell, Powell, Richardson, Shallenberger, Shook, Spann, Sullivan, Vandeventer, Williams, Wilson of Jay, and Witherow—39.

No Senator voted in the negative.

So the bill passed.

Ordered, that the Secretary inform the House thereof.

No. 89. A bill to prohibit the city of Rising Sun from subscribing stock in any company to construct roads leading to or from said city, except on conditions contained in this act,

Was read a third time.

And the question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Barton, Black, Combs, Cox, Cutshaw, Edsall, Hall, Hawthorn, Hosbrook, Humphreys, Jackson of Madison, Morrison, Odell, Powell, Shallenberger, Williams and Wilson of Jay—17.

*Those who voted in the negative were,*

Messrs. Brookshire, Butler, Gant, Gibson, Glazebrook, Griggs, Gordon, Harris, Hendry, Horton, Jackson of Tipton, Kightly, Meeker, Richardson, Shook, Vandeventer and Witherow—17.

So the bill did not pass,

There not being a constitutional vote therefor.

On motion by Mr. Shook,

House bill No. 25, was taken from the table, No. 25, a bill to provide for the enumeration of all white male inhabitants over the age of twenty-one years in the State of Indiana, in the year 1853, and pay the officers for taking the same.

And the question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Anthony, Barton, Brookshire, Brown, Butler, Combs, Cox, Cutshaw, Gant, Glazebrook, Griggs, Harris, Hawthorn, Hendry, Kightley, Meeker, Odell, Powell, Richardson, Shook, Spann, Vandevanter, Williams and Wilson of Jay—24.

*Those who voted in the negative were,*

Messrs. Black, Gibson, Gordon, Hall, Horton, Hosbrook, Humphreys, Jackson of Madison, Jackson of Tipton and Witherow—10.

So the bill did not pass,

There not being a constitutional vote therefor.

The following message was received from the House of Representatives, by Mr. Bowes, their Clerk :

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate, that the House have concurred in the engrossed amendments of the Senate to House bill No. 59, a bill to prevent and punish frauds in the use of false stamps and labels.

Also, the following message was received from the House of Representatives by Mr. Bowes their Clerk :

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House have passed the following engrossed bills of the Senate, without amendment:

No. 30. A bill authorizing guardians, executors and administrators to lay off the real estate of their wards and decedents into town lots, and to dedicate streets, alleys and squares to public use, when so ordered by the proper court.

No. 33. A bill to amend section 3 of an act entitled "an act defining misdemeanors and prescribing punishment therefor," approved June 14, 1852; and

No. 48. A bill to repeal certain acts therein named.

Also, the following message was received from the House of Representatives, by Mr. Bowes, their Clerk :

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Sen-

ate that the House have passed the following engrossed joint resolution of the Senate.

No. 6. A joint resolution on the subject of a ship canal around the falls of Niagara connecting lake Ontario and lake Erie, without amendment.

Also, the following message from the House of Representatives was taken up:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House has passed the following engrossed bill of the Senate:

No. 12. A bill to authorize foreign guardians to sell real estate of their wards in this State;

With the following engrossed amendments thereto, in which the concurrence of the Senate is respectfully requested.

On motion by Mr. Gibson,

The engrossed amendments of the House to Senate bill No. 12, were concurred in.

Also, the following message from the House of Representatives was taken up:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House have passed the following engrossed bills thereof, to-wit:

Bill No. 48. A bill to amend an act entitled "an act to provide for the erection and repair of bridges," approved May 22d, 1852.

Also, bill No. 80. An act to provide for the payment of agents employed to transport fugitives detained under the provisions of the act of Congress, approved February 12, 1793.

Also, bill No. 99. An act to amend the 19th section of an act for the more uniform mode of doing township business, approved May 6, 1852.

Also, bill No. 97. An act amendatory of the 2d section of an act for the incorporation of cities, approved June 18, 1852, and for a more economical method of ascertaining the population of cities, preparatory to the adoption of the provisions of the act herein mentioned of June 18, 1852.

Also, bill No. 74. A bill to amend section three of an act entitled "an act repealing all former acts of the Legislature, except those therein named," approved June 18, 1852, and to transfer to the court of common pleas all indictments for misdemeanors pending in the circuit court of this State, and to provide for the trial of misdemeanors therein occurring prior to the time the act organizing courts of common pleas took effect.

In which the concurrence of the Senate is respectfully requested.

Bills Nos. 48, 74, 80, 90 and 97, contained in the message, were severally read the first time and ordered to a second reading.

The following message from the House of Representatives by Mr. Bowes, their Clerk:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the Speaker has signed the following enrolled bill of the House:

No. 28. An act to repeal an act entitled "an act for the relief of certain land owners within the corporate limits of the city of Rising Sun, in Ohio county," approved January 5, 1849.

No. 42. An act to amend an act entitled "an act to establish and regulate ferries," approved June 17, 1852.

No. 46. An act to amend an act entitled "an act for the incorporation of insurance companies, defining their powers, and prescribing their duties," approved June 17, 1852.

No. 51. An act to amend an act entitled "an act to provide for the organization of county boards, and prescribing some of their powers and duties," approved June 17, 1852.

No. 62. An act to enable illegitimate children to inherit in certain cases.

Also, No. 59. An act to punish and prevent frauds in the use of false stamps and labels.

Which I am directed to bring to the Senate for the signature of the President thereof.

Whereupon the President affixed his signature thereto.

Mr. Edsall introduced

No. 11. A joint resolution relative to the duty on railway iron; Which was read the first time and passed to a second reading.

On motion by Mr. Anthony,  
The Senate adjourned until 2 o'clock.

2 o'clock, P. M.

The Senate assembled.

Mr. Sullivan introduced

Bill No. 75. A bill to authorize county treasurers to sell delinquent lands in certain cases to the highest bidder.

Which was read the first time and passed to a second reading.

The following report was made by Mr. Cox, chairman of the committee on Enrolled bills:

MR. PRESIDENT:

The committee on enrolled bills have compared the following with the engrossed copy, and find the same correctly enrolled.

No. 35. A bill to provide for the punishment of persons guilty of counseling and advising, aiding and abetting in this State, in the perpetration or attempt to perpetrate a felony in another State.

No. 37. A bill to amend an act entitled "an act for the incorporation of insurance companies, defining their powers, and prescribing their duties," approved June 17, 1852.

No. 4. A joint resolution in regard to a right of way.

No. 8. A joint resolution asking indemnity from the Congress of the United States for the failure of the title to a portion of the lands heretofore granted by Congress to the State of Indiana, for the use of a seminary of learning.

The following message was received from the House of Representatives by Mr. Bowes their Clerk:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the Speaker has signed the following enrolled bills of the Senate, to-wit:

Nos. 35 and 37, also enrolled joint resolution of the Senate Nos. 4 and 8.

Mr. Black, chairman of the committee on Education, made the following report:

MR. PRESIDENT:

The committee to whom was referred Senate bill No. 70, a bill relative to loaning the school and surplus revenue funds, have had the same under consideration, and have directed me to report it back with the following amendments and recommend its passage:

Amend the bill by striking out "surplus revenue and school funds," and inserting "the common school fund."

Strike out the word "surplus revenue" wherever they occur in the bill.

Strike out the words "or the county commissioners," in the first section.

Strike out after the word "auditor" in sections 1 and 2, the words "or other persons having charge of said funds."

Which report was concurred in, the amendments adopted and the bill ordered to be engrossed.

Mr. Meeker moved to reconsider the vote referring Senate bill No. 28, a bill to amend the 2nd section of an act entitled "an act

to provide for a general and uniform system of common schools and school libraries, and matters properly connected therewith," approved June 14, 1852, to the committee on education,

Which was agreed to.

The question then recurring on ordering the bill to be engrossed, was decided in the affirmative.

The following message from the House of Representatives was taken up:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate, that the House have passed the following engrossed bill thereof:

Bill No. 101. A bill to amend an act entitled "an act authorizing the construction of plank, McAdamized and gravel roads," approved May 12th, 1852.

In which the concurrence of the Senate is respectfully requested.

Bill No. 101, contained in the message, was read the first time and ordered to a second reading.

On motion by Mr. Odell,

Senate bill No. 20, a bill to amend sections 24 and 31 of an act entitled "an act to provide for the opening, vacating and change of highways," approved June 17, 1852. was taken from the table.

When,

On motion by Mr. Sullivan,

By unanimous consent of the Senate,

The bill was amended as follows:

Add to the 4th section,

*Provided*, That nothing in this act shall be so construed as to allow the location of any highway through the enclosed premises of any person, where such highway can be located on the line dividing the lands through which it is proposed to construct such highway where the distance will not be increased more than one quarter of a mile to the given point in such application for such highway.

The question being on the passage of the bill.

*Those who voted in the affirmative were,*

Messrs. Anthony, Barton, Black, Brookshire, Butler, Combs, Cox, Cutshaw, Edwards, Gant, Gibson, Glazebrook, Greathouse, Griggs, Gordon, Hall, Harris, Hawthorn, Helm, Hendry, Horton, Hosbrook, Jackson of Madison, Jackson of Tipton, Kightley, Meeker, Morrison, Odell, Powell, Reynolds, Shallenberger, Shook, Simpson, Sullivan, Vandeventer, Williams, Wilson of Jay and Witherow—38.

Messrs. Adams and Humphreys voted in the negative.

So the bill passed.

On motion by Mr. Odell,

The title of the bill was amended by inserting sections 20 and 32.  
Ordered that the Secretary inform the House of the passage of the bill.

The President laid before the Senate the following communication from his Excellency the Governor.

EXECUTIVE DEPARTMENT, }  
February 10th, 1853. }

HON. A. P. WILLARD,

*President of the Senate :*

SIR:—I am in receipt of a resolution of the Senate making inquiry as to the amount that has been paid out for attorneys' fees during the last five years, in answer to which I submit the following:

The Auditor of State, in answer to a resolution on this same subject, to the Constitutional Convention on the 21st day of January, 1851, states that the amount paid out for attorneys' fees for five years previous thereto was \$1960 00.

There has been paid out from the 21st of January, 1851, to February 1st, 1853, for services rendered principally in the suits of the Vincennes University, Fischli's heirs, Wabash and Erie canal suits and controversies growing out of the contracts of the Central canal the sum of \$1805 00.

I estimate the liability of the State at present for services rendered in the suits of Patrick McGinley, Vincennes University, Wabash and Erie canal, State Printer, &c., not less than \$3000 00. This makes the expenses of the State \$6765 00 for seven years past; averaging not less than \$966 43 per year.

I have no hesitation in saying that in the future, judging from the various suits that have been authorized to be brought, growing out of various special acts of the legislature, necessarily connected with your new school law, Wabash and Erie canal, collection of claims due the State, &c., that the State will pay in the future not less than from fifteen hundred to two thousand per annum for professional services. If in addition to this the General Assembly should pass a general law authorizing suits to be brought against the State, the amount will be largely increased.

Respectfully submitted,

JOSEPH A. WRIGHT.

Which was,

On motion by Mr. Gibson,

Laid on the table and 150 copies ordered to be printed.

On motion by Mr. Meeker,

The Senate adjourned.

FRIDAY MORNING 9 o'clock, }  
February 11, 1853. }

The Senate assembled.

On motion by Mr. Meeker,  
The reading of the journal was dispensed with.

PETITIONS PRESENTED.

Mr. Hall presented a petition from sundry citizens of the State of Indiana on the subject of temperance,

Which was,

On motion,

Referred to the committee on Temperance.

Mr. Hall presented the petition of sundry citizens of the State of Indiana on the subject of education,

Which was,

On motion,

Referred to the committee on Education.

Mr. Wilson of Harrison moved to suspend the order of business to admit the reports from select committees,

Which was agreed to; when

Mr. Combs, chairman of a select committee, submitted the following report:

MR. PRESIDENT:

The select committee, to which was referred a bill of the House of Representatives, entitled "an act to authorize the relocation of the seat of justice of the county of Clay, and to authorize the receiving of subscriptions and donations for the erection of the public buildings in said county," have had the same under consideration, and have directed me to report the same back to the Senate, and respectfully to recommend its passage.

The alleged unconstitutionality of this bill, is the chief objection that has been preferred against it. Its expediency, however, as well as its constitutionality, seems to be involved in the discussion of its merits. Your committee have carefully examined the bill in both of these aspects, and they beg leave to offer the views they entertain, and the reasons, which have induced them to submit the foregoing recommendation.

Petitions have been laid before the committee, signed by more than two-thirds of the voters and tax payers of the county of Clay, praying for a relocation of their seat of justice. A remonstrance is also on file. It consists of the proceedings of a public meeting held

in the town of Bowling Green. Your committee have no satisfactory means of determining the number of persons who were present at the meeting, or who approved of the resolutions there adopted. Admitting that all who did not sign the petitions were averse to the removal, there would still be an overwhelming majority of the voters of Clay county in favor of the measure, which this bill is designed to accomplish.

It very rarely occurs that a proposition, to relocate a seat of justice, meets with such general and marked approbation from those whose interests are so directly affected by the question. When, however, the geographical position of the seat of justice of Clay county, is considered in connection with the fact that it is very difficult of access, during about half the year, to the larger part of the population, it is a matter of surprise that they should have so long suffered the inconveniences to which they are now subjected. The facts and reasons, set forth in the petitions, must satisfy every unprejudiced mind, that a more meritorious case could not be presented to the Legislature. Your committee refrain from dwelling longer upon this subject. A glance at the map of Clay county, is all that is really necessary to vindicate the expediency of the contemplated change.

It is said that the provisions of this bill are in conflict with the constitution. This objection to it, if sustainable, would be fatal. Your committee have endeavored to examine it with the attention which its importance was so well calculated to command, and with the respect so justly due to the committee, by which it has been advanced.

In the report of the Judiciary committee, submitted by the eminent professional gentleman who is its chairman, this bill has been pronounced to be "a plain violation of the constitution." Notwithstanding this high and imposing authority, your committee are constrained to dissent from that opinion, and from the reasoning by which it is attempted to be maintained.

The committee premise that this is a question barren of authority. No precedents of binding force have arisen under the existing constitution. The sections of that instrument bearing upon the question, have never received a judicial or legislative construction. The ordinary and well-established rules of interpretation, applicable to written instruments and statutes, must therefore be resorted to in this instance, to guide us to a just conclusion.

The Judiciary committee maintain the unconstitutionality of this bill, upon the ground that it violates the 23d section of the 4th article of the constitution. They refer to a report of a select committee of the Senate, at its last session. Upon looking into that report, your committee observed that but a small portion of it was devoted to the question under consideration: It consists chiefly of extracts from the commentaries of Judge Story and other text-writers, in exposition of that clause of the Federal Constitution, which prohibits a

State from passing any law, which impairs the obligation of contracts. That question is not relevant to any provision of this bill. That report, however, contains a suggestion, that a bill of this character may be in violation of the 22d section of the 4th article, while, in regard to the 23d section, the views of that report are, in substance, the same as those of the Judiciary committee.

Your committee propose to examine both sections.

The 22d section of the 4th article of the constitution embraces the enumerated cases, wherein the legislature is prohibited from the enactment of a special or local law. No one of those cases has the remotest connection with the objects of this bill. It may, perhaps, be supposed that the case "regulating county and township business," is in point. A moment's reflection will clearly show that such a supposition cannot be maintained. The mischief, designed to be corrected was, the different modes of doing county business, which had obtained in the various counties. In some counties, the boards, doing that business, consisted of commissioners, specially elected to discharge the duties of that trust. In others, justices of the peace were, *ex-officio*, members of the county board. The laws conferred powers, on some subjects, upon county boards, in several counties, different from those which arose under the operation of the general laws, in force in other counties. Some county boards were placed under peculiar restrictions.

In some counties the duties of auditor were discharged by the clerk of the circuit court,—in others the duties appropriate to each office, were discharged by the incumbents of distinct and independent offices. It is not necessary, however, further to enumerate the instances of the discrepancy, which existed in this State, as to the mode of doing county business—they are familiar to all. The remedy which the Constitution provides is, that county business, shall, in all the counties, be regulated by general and uniform laws. This was a wise and salutary provision. It can have, however, no application to this bill, until it can be shown that the relocation of seats of justice was ever considered among the duties of the county board or constituted a part of what is termed county business. The history of Indiana during her existence as a State or a territory, will be appealed to in vain, to furnish a solitary instance where county boards were ever clothed with any legislative or discretionary authority over the subject.

The words "county business" are of frequent occurrence in our statute book. The habitual use of them in our laws, in certain connections, seems to have imparted to them a fixed and well defined meaning. That meaning has been in unison with the general understanding of our people.

It designates the ordinary and current business of the county, such as granting grocery or ferry licenses, liquidating and providing for the payment of accounts, and a supervision of the county expendi-

tures. It was, obviously, in this sense, and none other, that the words were used by the framers of the constitution.

If it was designed that a restraint should be imposed by the constitution, upon the power of the Legislature, in regard to the relocation of seats of justice, it is singular, that the eminent statesmen who framed it, did not embrace this among the enumerated cases wherein special legislation is expressly prohibited. The absence of such a provision, strongly implies that the restraint was not conceived to be necessary, and that the authority of the General Assembly is, in this particular, subject to no other control than its own sense of justice, and its views of expediency.

The committee submit to the Senate that the proposition, affirming the unconstitutionality of this bill has no foundation in the terms of the section, nor in its reason, spirit or intention.

The 23d section of the 4th article, is supposed to be decisive of the question now under consideration, and it is alleged that it fully sustains the imputed unconstitutionality of this bill. There is nothing in that section, which, in the opinion of the committee, prohibits the Legislature from making the bill the law of the land.

The language of the section is as follows:

"In all cases where a general law can be made applicable, all laws shall be general and of uniform operation throughout the State."

The committee invite the attention of the Senate to the difference between this and the preceding section. In the 22d section the limitation upon the legislative power is absolute and unconditional. In the 23d section the limitation, or the injunction to make the law general and of uniform operation throughout the State, is coupled with the express qualification or proviso, that a general law can be made applicable. With regard to the enumerated cases in the 22d section, the constitution declares general laws to be applicable. In all other cases it falls within the peculiar province of the Legislature to decide that fact. Their decision is final and conclusive—subject to no reversal or review by any other branch of the Government.

The phrase, "can be made applicable," may be variously construed according to the connection in which it is found, or the subject matter to which it applies. The applicability of a law, in regard to an issue, joined in a court of justice, would undoubtedly mean, that it has a direct relation to the question involved, and determines the rights of the litigating parties. If it is foreign to the cause and does not control the decision, or measure the rights or liabilities asserted in the cause of action, it is not applicable. For example, the statute of frauds would be applicable to a suit brought to recover damages incurred by reason of a breach of a verbal agreement to convey lands to the plaintiff. The statute prescribing the punishment for a criminal offense, would not be applicable to a suit, instituted by the injured party, to obtain redress for the individual wrong sustained. In view of pending legislation, the applicability of a statute might be appropriately defined to be the fitness or adaptation of the statute,

for the removal of a grievance, or the protection and promotion of an interest, or for the regulation of the conduct of the citizen, relative to the matters within the operation of the statute. The term is also susceptible of another signification, and that is the adaptation of the provisions of the law to meet the wants and necessities of the people, and its fitness in view of those interests which are under the protecting care of the laws. In other words, is the law required by the public welfare, and does it subserve the interests of the people? If it does, it is applicable to the condition of the country—otherwise it is not.

Your committee submit, that no general law of uniform operation, fixing anew the location of all our seats of justice, could be so framed as to be fit to accomplish in a suitable manner the intended object. The condition, resources, and numerical strength of the different counties, and the locality of the county seats, would render an attempt to establish a general rule, applicable to each case, abortive and impracticable. Again, a general law requiring the relocation of all of our seats of justice would, in no just sense of the term, be applicable to the existing condition and wants of our people. It would be in manifest conflict with their interests.

The report of the Judiciary committee assumes the point in dispute. They are pleased to say "that a law of uniform operation could be made applicable to the removal of county seats, will not be disputed by any one." If that committee mean that the General Assembly can, by the exercise of their constitutional power, pass a law relative to the removal of county seats, your committee accede to the proposition; but if it is meant that such a law is applicable to the condition of the county and in consonance with the true interests of the people, we do dispute it. The removal of the county seats in most of the counties would be productive of unmingled and almost irreparable mischief.

Again, the Judiciary committee observe "the question is not whether such a law would meet the views of expediency of the General Assembly, but whether the General Assembly have the power to enact such a law." Now your committee admit, that the General Assembly have the power to relocate all our seats of justice. They submit, however, that the mere power to pass such a law, is very different from the rightful power to do so, in view of the circumstances by which all safe and wise legislation is controlled and affected. But suppose the Legislature can change the location of our seats of justice, does that tend to show that this bill is unconstitutional? Is the Legislature compelled to relocate every seat of justice, in defiance of the wishes of the people, in order to relocate a single one, in accordance with the wishes of the people of one county? It is a most extraordinary process of reasoning, which concedes to the General Assembly the power to remove every seat of justice in the State, but which denies them the power to remove a single one. The greater power necessarily includes and implies the less. Yet the

Judiciary committee say that, from the proposition above quoted, it follows with mathematical certainty, that this bill is unconstitutional. We submit that the conclusion is not justly deducible from the premises. So far from its following with mathematical certainty, your committee insist that it does not follow at all, much less with any certainty, either mathematical, moral or logical.

It may be argued, that a general law could be passed, with a proviso, that it should be carried into effect in such counties as would cast a majority of votes in favor of it. Such a law would then derive its authority and obligatory force from the vote of the people of such counties. In the counties where it would be rejected, it would be null and void. This would be a singular example of a general law of uniform operation throughout the State. It was frequently doubted, under the former constitution, whether it was competent for the General Assembly to enact such a law. The present constitution contains this explicit and imperative provision: "No law shall be passed, the taking effect of which shall be made to depend upon any authority, except as provided in this constitution."

It may be said that the County Boards should be invested with authority to relocate the seats of justice in their respective counties. Such an authority would be essentially legislative. The legislative authority of the State is vested, by the constitution, in the General Assembly, and imposes upon them a delicate and highly important public trust. That trust cannot be delegated to another body. It is a well-attested historical fact, that the convention refused to confer, even to a qualified extent, legislative power upon the County Boards.

The committee believe that it would be a reproach upon the framers of the constitution to recognize the doctrine that the General Assembly do not possess the power to relocate the seat of justice in a particular county. The wisdom of such a restriction could not be successfully vindicated. It would evince a want of that sagacious and enlightened foresight, which is everywhere manifest in the admirable provisions of our fundamental law. The doctrine that a general law furnishes the only means for the attainment of the object which this bill contemplates, is fraught with evil consequences, the extent of which cannot be adequately told. If it be admitted that full authority over the subject could be rightfully given to the County Boards, the inexpediency of such legislation would create an objection to it, as unsurmountable as that which could result from a want of constitutional power to confer it. A perpetual agitation, excited by a few interested individuals, would, in many counties, be the inevitable result. It is well known that such contests come home more to "the business and bosoms" of our citizens than those general questions which agitate the country at large, and array the people into contending parties. No controversies in Indiana have excited a more embittered feeling than those which relate to the removal of our county seats. It is infinitely

better for the legislature to retain the whole control in their own hands. Let them not act in the matter unless upon reasons of the strongest necessity, and in obedience to the wishes of the parties interested in the just settlement of the controversy, and the various counties have the strongest assurances that the power will be exercised wisely, temperately and cautiously, and with a view single to the rights and intereses of the entire people of the county. The committee believe that this power is now lodged with the General Assembly.

A different rule of construction has obtained in the interpretation of the powers of the Federal Government, and those of the several States. In the former the authority consists of certain enumerated powers, and those which are necessary and proper to carry the granted powers into execution. In the latter there is a general grant of legislative power, subject to certain specified restrictions. This distinction has been recognized by the Supreme Court of the United States and that of our own State. Whenever a legislative power is asserted to belong to Congress, it must be shown to have been granted either in express terms, or to result by necessary implication from those which are granted. Under our State government all legislative power is, by a general grant vested in the General Assembly. If there is an exception or limitation with regard to its authority to legislate, it must be shown as clearly as it would be necessary to show a grant of power to the Federal Government, when the constitutionality of an act of Congress is in question. If the grant to the General Government is doubtful, the power should not be assumed, if the restriction upon the grant in the State Constitution is doubtful in its terms or in its application, the power should be exercised whenever the public interests would be thereby promoted. Those who assert the unconstitutionality of this bill, must therefore, clearly show that the Legislature have not the power to enact it. This is an affirmative proposition, which they are bound to establish.

Your committee refrain from a further discussion of this subject. They have, perhaps, extended this report to an unreasonable length. Being clearly satisfied of the expediency and constitutionality of the bill, they close by recommending its passage.

On motion by Mr. Wilson of Harrison,

The report was laid on the table.

The bill was then read a second time; and,

On motion,

Laid on the table.

Mr. Cox, from the Judiciary committee, submitted the following minority report on the subject of relocating the county seat of Clay county :

**MR. PRESIDENT:**

The undersigned, a member of the Judiciary committee to whom was referred bill of the House, No. 47, a bill to authorize the relocation of the seat of justice of the county of Clay, and to authorize the receiving of subscriptions and donations, for the erection of public buildings in said county, with instructions to inquire into the constitutionality of its provisions, having felt himself constrained to differ from the opinion of the majority of the committee, who have reported adversely to said bill, begs leave to present the following minority report, to place before the Senate the reasons which have led him to differ from the majority. The question submitted for the consideration of the committee, and which is now presented to the Senate, is this; does the constitution of the State forbid the Legislature in a proper case to change the location of a county seat. The section of the constitution which is supposed to bear upon this question, and which the majority of the committee have construed to settle in the negative, is in the following words: Section 23, in all the cases enumerated in the preceding section, and in all other cases where a general law can be made applicable, all laws shall be general and of uniform operation throughout the State. Taking it for granted that in a case like that which has been the occasion of introducing the bill, before the Senate, where the voters of a county with singular unanimity have petitioned for a change in the location of their county seat, and where the other branch of this Legislature without a dissenting voice have embodied the wish of the petitioners in a solemn enactment granting their prayer, the Senate will be actuated by an earnest desire to perfect the measure, unless prevented by strong and well defined constitutional objections.

I will proceed to consider the language of the constitution, and to search for those weighty objections, which having been discarded by the petitioners, by the present and by a former House of Representatives, have suddenly presented themselves with so much force to the chairman of the committee and those who have joined in his report, as to induce them to declare the bill a plain violation of the constitution, and to recommend that its further progress be arrested.

That examination will not only fail, in my opinion, to lead to the discovery of those objections, but on the contrary will lead to a different conclusion, and one which is now the less clear to my apprehension for being stated in less positive terms than those employed by the majority of the committee in their report, wherein they pronounce the unconstitutionality of this bill "a mathematical certainty." In the first place, it will be observed, that section 22 of the constitution, immediately preceding the one on which the majority of the committee base their report, contains a long enumeration of cases, in which special legislation is forbidden, such as granting divorces, changing the names of persons, vacating roads, alleys, town plats, etc. Yet, the significant fact appears to have

escaped the attention of the majority of the committee, that changing the location of county seats is omitted from that list. Why is this, and what does it mean? Are we to understand that the framers of the constitution overlooked so obvious and frequent, as well as important a subject-matter for legislative action as the relocation of county seats? The fact is altogether against probability; and were it otherwise, we cannot so construe the constitution without violating a well-established rule of construction of standard authority, and the reason and propriety of which has never been questioned, where the constitution or any law excludes specifically, certain enumerated cases from becoming the subjects of legislative action or of suits at law, all cases not expressly excluded, are admitted and allowed. Where then does the constitution of the State vest the power to change the location of county seats? In the legislature, undoubtedly, for in that long list of cases where the legislature is forbidden to act, this case is not included. It must be understood therefore, to have been purposely omitted.

The conclusion, therefore, to which I am led is, that the power is vested in the legislature, the only place where it could safely and properly be lodged. The majority of the committee appear to have been conscious that this power ought to belong to the legislature, for they recognize the mischievous tendency of bestowing it elsewhere by a general law and spread out before us the embarrassing prospect of a State government wholly crippled in an important particular.

If it seems so unreasonable and dangerous to grant this power by a general law, that is an additional reason to show that the framers of the constitution never intended to take it from the legislature.

But the majority of the committee say that section 23 of the constitution, which follows the one setting out particular instances of legal [local] legislation, forbids it in general terms, and therefore it is unconstitutional to change the location of a county seat. I do not think that section 23 was intended to cover cases of this kind, nor that it does cover them. The framers of the constitution understood their duties. The language employed in section 23, covers the mischief it was designed to reach, and does not reach this case. It is unnecessary that I should remind the Senate of the kind of local legislation which was so great a grievance to the people of this State, before the adoption of the present constitution; it is fresh in our memories and known to all, and it is well-known that it did not embrace the subject of county seats.

It was easy to frame a section in general terms, which embraced the one and not the other, and this I think will presently appear, is the case with section 23 of the constitution. Observe the language of the constitution.

"In all other cases where a general law can be made applicable, all laws shall be general, and of uniform operation throughout the State."

What is a law? It is "a rule of human action, prescribed by the supreme power of the State." This definition is familiar to every one who has ever turned the first pages of the first elementary work that is placed in the hands of every student of the law. Its correctness and accuracy will not be questioned, and when we are engaged in determining the meaning and construction of written sentences, in the constitution or a law, there is a peculiar propriety in recurring to definitions, and setting out with a clear understanding of the terms employed. In deciding upon a question of this kind, the Senate should be governed by the same rules, and should consult the same lights that would be resorted to by a court of law.

A reference to these, clears this question of all difficulty, to my mind. A law is a "rule of human action:" a rule, not a single exercise of legislative power which exerts its influence, and expends its force in a single subject; but a rule for all men, a fixed and permanent standard of conduct: then there is a distinction, and a very wide difference between a local law, which prescribes a rule of conduct for all the inhabitants of one county, different from that which obtains in the remainder of the State, as by designating a different rate of taxation, and a special act, operating not as a rule, but as a decree not upon human conduct, but on a limited area of territory, which, from necessity, is local, and must give character to the act. This bill, if passed, will not be a local law in the meaning of the constitution; it does not belong to the class of grievances that were intended to be abolished by the constitution. The subject-matter of this bill is local in its nature, and it cannot be reached by a general law: even the requirements of section 23 contemplates a case of this kind, for they are expressly limited to cases where "a general law can be made applicable." That is the language employed. Now how can a general law reach this case? The case cannot be reached in that way. The report of the majority shows this manifestly. The only method they are able to indicate is by the passage of a law delegating legislative powers to the county boards, in itself a much more flagrant violation of the constitution than this bill can possibly be. The Legislature has no power under the constitution to delegate its legitimate powers to any other body, yet the learned constitutional lawyer who reports the opinion of a majority of the committee, proposes to go a step further, and delegate powers which he says, we have not got to avoid passing a local law. They propose the establishment of a number of local Legislatures, whose acts in the end will be local laws.

I cannot agree with such a view of the subject, and therefore recommend the passage of the bill, leaving whatever private rights may be affected by it, to the protection of the courts.

On motion by Mr. Wilson of Harrison,

The report was laid on the table.

On motion by Mr. Wilson of Harrison,

The vote laying the report of Mr. Combs from a select committee on the table, was reconsidered, and the report read; when,

On motion by Mr. Brown,

The report was laid on the table.

Leave being granted,

Mr. Brown presented the following communication and resolution:

HOSPITAL FOR THE INSANE, }  
February 11, 1853. }

HON. GEO. W. BROWN:

John Berger of Shelby county appears to be much insane, and is doubtless a fit subject for treatment in this institution. Though much pressed for room, we will admit him if legal authority be furnished. Perhaps a joint resolution from the Legislature will save the necessity of Berger's return to Shelby county.

Respectfully,

R. J. PATTERSON,  
*Superintendent.*

*Resolved*, That, (the House of Representatives concurring,) the Superintendent of the Indiana Asylum for the Insane be instructed to take John N. Berger, an insane man now in this city, but a resident of Shelby county, to the asylum, and admit him as a patient into said hospital.

Which resolution was adopted.

Ordered that the Secretary inform the House thereof.

On motion by Mr. Gibson,

The consideration of the reports of Mr. Combs from a select committee, and the minority report made by Mr. Cox, from the Judiciary committee, in reference to the relocation of the county seat of Clay county, were postponed and made the special order for Tuesday next, at 2 o'clock, P. M.

#### REPORTS FROM COMMITTEES.

By Mr. Sullivan chairman of the committee on Finance.

MR. PRESIDENT:

The committee on Finance to whom was referred House bill No. 72, a bill providing for the compensation of township assessors, have had the same under consideration, and have directed me to report the same back with the following amendment: strike out the words 'stated meetings' in the second section, and insert 'regular meetings' &c., and recommend its passage.

Which report was concurred in, the amendments adopted, the bill read a second time and ordered to be engrossed.

Mr. Jackson of Madison from the Judiciary committee submitted the following report:

MR. PRESIDENT:

The committee on the Judiciary to whom was referred Senate bill No. 68, a bill to fix the price of the Indiana Reports, have had the same under consideration and have directed me to report the same back, recommend its passage and ask to be discharged from the further consideration thereof.

Which report was concurred in, and the bill ordered to be engrossed.

By Mr. Gibson, chairman of the Judiciary committee:

MR. PRESIDENT:

The committee on the Judiciary, to whom was referred House bill No. 84, a bill to prevent the gathering cranberries on the public lands in the State of Indiana before they are ripe, have had the same under consideration and have directed me to report the bill back to the Senate with the following amendment, and when so amended recommend its indefinite postponement:

Amend by striking out all after the enacting clause, and insert as follows:

That any person who shall gather cranberries on the public lands of this State before the first of October in each year, shall be fined not less than five dollars nor more than twenty dollars.

Which report was concurred in, the amendment adopted and the bill indefinitely postponed.

By Mr. Gant from the committee on roads:

MR. PRESIDENT:

The committee to whom was referred Senate bill No. 66, "a bill to enable turnpike companies heretofore chartered, who have gone on to construct their roads but have failed to complete the same within the time specified in the charter, to complete their unfinished roads, have had the same under consideration and instructed me to report the same back with the following amendments, and when so amended to recommend its passage:

*Provided*, that nothing herein contained shall be construed so as to revive the charter of any turnpike company whose work has been

abandoned, or whose road is not completed within two years from the passage of this act.

Which report was concurred in, the amendment adopted, and the bill ordered to be engrossed.

By Mr. Kightley, chairman of the committee on Roads:

MR. PRESIDENT:

The committee to whom was referred House bill, No. 44, a bill entitled "a bill to authorize boards doing county business to declare water courses navigable," have had that subject under consideration and instructed me to report the same back, and recommend its indefinite postponement.

Which report was concurred in, and the bill indefinitely postponed

The following message was received from the House of Representatives, by Mr. Bowes, their Clerk:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House have reciprocated the following resolution of the Senate:

*Resolved*, That the House of Representatives concurring, the Superintendent of the Asylum for the Insane be instructed to take John Berger, an insane man now in the city, but a resident of Shelby county, to the Asylum and admit him as a patient into said Hospital, with the following amendment: add the word "temporarily" at the close of said resolution.

On motion by Mr. Brown,

The amendment of the House to the resolution of the Senate contained in the message, was concurred in.

The following message was received from his Excellency the Governor by his private secretary, Mr. King.

MR. PRESIDENT:

I am directed by the Governor to inform the Senate that he has approved and signed the following bills, to-wit:

No. 4. A joint resolution in regard to a right of way.

No. 8. A joint resolution asking indemnity from the congress of the United States, for the failure of the title to a portion of the lands heretofore granted by Congress to the State of Indiana, for the use of a seminary of learning.

No. 35. An act to provide for the punishment of persons guilty of counselling and advising, aiding and abetting in this State, in the perpetration or attempt to perpetrate an offence in another State, which by the laws of this State shall be felony.

No. 37. An act to amend an act entitled "an act for the incorporation of insurance companies, defining their powers and prescribing their duties," approved June 17, 1852,

Which bills originated in the Senate.

By Mr. Barton, chairman of the committee on Benevolent Institutions:

MR. PRESIDENT:

The committee on Benevolent Institutions to whom was referred Senate bill No. 51, entitled "a bill to provide for the election of a physician to the asylum for the Blind and the Deaf and Dumb, fixing his compensation and defining his duties," with instructions to ascertain what the services of physicians have heretofore cost the State in behalf of said institutions, have had the same under consideration, and have directed me to report as follows, to-wit:

Your committee find upon examination of the Documentary Journals of 1848, 1849, 1850, 1851 and 1852, that there was expended for physician's services for the Institute for the Blind—

During the year 1848, the sum of.....	\$30.00
During the year 1849, the sum of.....	30.00
During the year 1850, the sum of.....	60.00
During the year 1851, the sum of.....	39.00
During the year 1852, the sum of.....	20.50

Your committee would further report that they were unable to obtain from the Documentary Journals any definite information concerning the amount expended for medical services rendered the Deaf and Dumb Asylum; but from a communication from Dr. L. Dunlap the attending physician, they learned that—

In 1849, the sum expended for that purpose, was.....	\$314.00
In 1849, the sum expended for medicine.....	14.00
In 1850, the sum expended for medical service.....	314.00
In 1850, the sum expended for medicine.....	29.90
In 1851, the sum expended for medical service .....	279.00
In 1851, the sum expended for medicine.....	46.54
In 1852, the sum expended for medical service.....	324.00
In 1852, the sum expended for medicine.....	51.70

From which it is manifest that the average sum paid for medical services and medicine amounts to \$380.00 per annum. For more detailed information in the premises, your committee respectfully refer to the accompanying communication from Dr. L. Dunlap, in answer to inquiries addressed him by the chairman; your committee ask to be discharged from the further consideration of the subject.

Which report was concurred in.

The question then being, shall the bill pass?

Pending which,

Mr. Wilson of Harrison moved that the Senate adjourn,

Which was decided in the negative.

The question then recurred on the passage of the bill.

*Those who voted in the affirmative were,*

Messrs. Barton, Black, Butler, Cox, Cutshaw, Edwards, Gibson, Greathouse, Griggs, Gordon, Hawthorn, Humphreys, Jackson of Madison, Jackson of Tipton, Simpson, Sullivan, Wilson of Harrison, and Witherow—18.

*Those who voted in the negative were,*

Messrs. Brookshire, Brown, Combs, Gant, Glazebrook, Hall, Harris, Hendry, Horton, Hosbrook, Kightly, Meeker, Odell, Powell, Reynolds, Shallenberger, Shook, Vandeventer, Williams, and Wilson of Jay—20.

So the bill did not pass.

Mr. Barton, chairman of the committee on Benevolent Institutions, also made the following report:

**MR. PRESIDENT:**

The committee to whom was referred a resolution of the Senate, requesting them to report to the Senate what officers of the Benevolent Institutions are to be re-elected at the present session of the General Assembly, have had the subject under consideration and have directed me to report that owing to the confusion in existing laws and the tenure of the officers, they cannot determine whose term of office has expired, and they deem it essential to provide by law at the present session for such election and report bills accordingly.

Which report was concurred in.

Mr. Cox, chairman of the committee on enrolled bills made the following report:

**MR. PRESIDENT:**

The committee on enrolled bills have compared the enrolled with the engrossed copies of bill No. 33, a bill to amend section 3, of an act entitled "an act defining misdemeanors, and prescribing punishment therefor," approved June 14, 1852.

Also, bill No. 30, "a bill to authorize guardians, executors, and administrators, to lay off the real estate of their wards into town lots, and to dedicate streets, alleys, and squares to public use, when so ordered by the proper court."

Also, bill No. 12, "a bill to authorize foreign guardians to sell real estate of their wards in this State."

Also, bill No. 48, "a bill to repeal certain acts therein named."

Also, joint resolution No. 6, on the subject of a ship canal around the falls of Niagara, connecting Lake Ontario and Lake Erie, and find the same correctly enrolled.

On motion by Mr. Brown,  
The Senate adjourned until 2 o'clock.

2 O'CLOCK, P. M.

The Senate assembled.

Mr. Hosbrook from a select committee, made the following report :

MR. PRESIDENT:

The select committee to whom was referred the resolution in reference to the rent law, have had the same under consideration, and have directed me to report the following bill, and recommend its passage:

No. 76. An act authorizing the collection of rents.

Which was read the first time and passed to a second reading.

Leave being granted,

Mr. Gibson presented the petition Mr. Smith, President of the Ohio and Indianapolis Railroad Company, praying the privilege of laying the railroad track through the grounds of the deaf and dumb asylum,

Which,

On motion by Mr. Gibson,  
Was referred to the committee on Benevolent Institutions.

#### RESOLUTIONS INTRODUCED.

On motion by Mr. Gordon,

*Resolved*, That the committee on Canals and Internal Improvements, be required to examine into the expediency of appointing some person to examine the draws of bridges over navigable streams within this State, and report by bill or otherwise.

On motion by Mr. Brookshire,

*Resolved*, That the committee on Claims be instructed to inquire into the expediency of so amending section 14 of the estray laws so

as to designate the value of the property which shall require printing, and to give to the justice of the peace a limited time to report such property to the county clerks.

Mr. Hawthorn submitted the following resolution:

*Resolved*, That the Senate will, the House concurring, go into the election of Agent of State on Wednesday next, the 16th, at two P. M.

Mr. Wilson of Harrison, moved to lay the resolution on the table.

The ayes and noes were demanded by Senators Gibson and Gordon.

*Those who voted in the affirmative were,*

Messrs. Black, Brookshire, Butler, Edwards, Harris, Helm, Hendry, Horton, Meeker, Shallenberger, Shook, Simpson, Williams, Wilson of Harrison and Witherow—15.

*Those who voted in the negative were,*

Messrs. Anthony, Brown, Cox, Cutshaw, Gant, Gibson, Glazebrook, Griggs, Gordon, Hall, Hawthorn, Hosbrook, Humphreys, Jackson of Madison, Jackson of Tipton, Kightley, Morrison, Odell, Powell, Reynolds, Sullivan, Vandeventer and Wilson of Jay—23.

So the resolution was not laid on the table.

The resolution was then adopted.

On motion by Mr. Morrison,

*Resolved*, That the committee on the Benevolent Institutions of the State, be instructed to inquire into the expediency of introducing a bill so amending the laws for the government of the Institutions for the Blind and the Deaf and Dumb, as to prevent the Trustees from doing any service for such institutions for which compensation should be allowed, other than the appropriate duties belonging to the office of trustee. And, furthermore, that each of said trustees be prohibited from selling any article for the use of the institution of which he is a trustee: and that in all cases of sickness the best medical aid shall be procured for the safety of the inmates of said institutions.

On motion by Mr. Jackson of Tipton,

*Resolved*, That the committee on Roads inquire into the propriety, as well as necessity, of amending the road law, so that the citizens of any road district may, by vote or petition, require their supervisor to clear all drifts and other obstructions out of the creeks, etc., within their respective road districts, and report by bill or otherwise.

On motion by Mr. Hawthorn,

Leave of absence was granted Mr. Adams until Monday next.

## BILLS INTRODUCED.

By Mr. Gordon:

No. 77. A bill to provide for the election, fixing the compensation, and prescribing the duties of attorney general for the State,  
Which was read the first time and passed to a second reading.

By Mr. Harris:

No. 78. An act to amend section 95, of chapter 10, of the Revised Statutes of 1852, relative to foreign executors,  
Which was read the first time and passed to a second reading.

By Mr. Black:

No. 79. A bill to amend an act therein named,  
Which was read the first time and passed to a second reading.

## ORDERS OF THE DAY.

*Senate Bills on Second Reading.*

No. 71. A bill to amend section ninety-six and one hundred and twenty-three of the assessment laws, approved June 21, 1852,  
Was read the second time by the title: and,

On motion by Mr. Humphreys,

The bill was referred to the Judiciary committee.

On motion by Mr. Humphreys,

The vote referring Senate bill No. 71, to the Judiciary committee was reconsidered.

The bill was then read a second time and ordered to be engrossed.

No. 72. A bill to require county commissioners to perform certain duties in relation to the refunding of taxes wrongfully assessed and collected,

Was read the second time; and,

On motion by Mr. Humphreys,

Referred to the committee on Finance.

No. 73. An act to amend the 17th section of an act entitled an act prescribing who may make a will and the effect thereof, what may be devised, regulating the revocation, admission to probate and contest thereof.

Was read the second time by its title; and,

On motion by Mr. Gibson,

Referred to the Judiciary committee.

No. 74. A bill to amend the second division of section, 24 of the 1st chapter of part 2nd of second volume of the Revised Statutes of 1852.

Was read the second time by the title; and,

On motion by Mr. Horton,  
Referred to the Judiciary committee.

No. 75. A bill to authorize county treasurers to sell delinquent lands in certain cases to the highest bidder.

Was read the second time by the title; and,

On motion by Mr. Black,  
Referred to the committee on Finance.

#### HOUSE BILLS ON SECOND READING.

No. 48. A bill to amend an act entitled an act to provide for the erection and repair of bridges, approved May 22, 1852.

Was read the second time by the title; and,

On motion by Mr. Humphreys,  
Referred to the committee on Roads.

No. 74. A bill to amend section 3 of an act entitled an act repealing all former acts of the Legislature except those therein named, approved June 18, 1852, and to transfer to the court of common pleas all indictments for misdemeanors, pending in the circuit courts of this State, and to provide for the trial of misdemeanors therein occurring prior to the time the act organizing courts of common pleas took effect.

Was read the second time by the title; and,

On motion by Mr. Gibson,  
Referred to the Judiciary committee.

No. 80. An act to provide for the payment of agents employed to transport fugitives detained under the provisions of the act of Congress, approved February 12th, 1793,

Was read the second time by the title; and,

On motion by Mr. Humphreys,  
Referred to the committee on Federal Relations.

No. 90. A bill to amend the 19th section of an act entitled an act for the more uniform mode of doing township business, approved May 6, 1852,

Was read a second time by its title; and,

On motion by Mr. Horton,  
Referred to the committee on County and Township Business.

No. 97. A bill amendatory of the second section of "an act for the incorporation of cities," approved June 18, 1852, and for a more economical method of ascertaining the population of such cities, preparatory to the adoption of the provisions of the act herein mentioned of June 18, 1852,

Was read the second time by the title; and,

On motion by Mr. Morrison,  
Referred to the committee on Corporations.

No. 101. A bill to amend an act entitled "an act authorizing the

construction of plank, McAdamized and gravel roads," approved May 12, 1852,

Was read a second time by the title; and

On motion by Mr. Morrison,

Referred to the committee on Corporations.

#### SENATE JOINT RESOLUTION

No. 11. A joint resolution relative to the duty on rail-way iron

Was read a second time; and,

On motion by Mr. Humphreys,

Referred to the committee on Federal Relations.

#### SENATE BILLS ON THIRD READING.

No. 28. A bill to amend the second section of an act entitled "an act to provide for a general and uniform system of common schools and school libraries, and matters properly connected therewith," approved June 14, 1852.

Was read a third time.

Mr. Meeker moved to lay the bill on the table and print three hundred copies.

Which was not agreed to.

On motion by Mr. Morrison,

The bill was laid on the table.

On motion by Mr. Wilson of Harrison,

The vote was reconsidered.

When,

Mr. Wilson of Harrison moved to lay the bill on the table and print 300 copies.

Ma. Black moved to amend by striking out 300, and insert 150 copies.

Which was agreed to.

The question recurring on laying the bill on the table, and printing 150 copies.

It was decided in the affirmative.

No. 70. A bill relative to loaning the school and surplus revenue funds.

Was read the third time.

And the question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Barton, Black, Brookshire, Butler, Cox, Cutshaw, Gant, Gibson, Glazebrook, Greathouse, Griggs, Gordon, Hall, Hawthorn,

Helm, Humphreys, Jackson of Madison, Jackson of Tipton, Meeker, Powell, Reynolds, Williams, Wilson of Harrison, Wilson of Jay and Witherow—26.

*Those who voted in the negative were,*

Messrs. Brown, Edwards, Harris, Hendry, Horton, Hosbrook, Morrison, Odell, Shallenberger, Shook and Simpson—11.

So the bill passed.

Ordered, that the Secretary inform the House thereof.

The following message from the House of Representatives was taken up :

MR. PRESIDENT :

I am directed by the House of Representatives to inform the Senate that the House has passed the following engrossed bill thereof:

No. 112. An act to amend the 5th section of an act entitled "an act for the more uniform mode of doing township business," approved May 6, 1852.

In which the concurrence of the Senate is respectfully requested.

Bill No. 112, contained in the message, was read a first time and ordered to a second reading.

The following message was received from the House of Representatives by Mr. Bowes their clerk :

MR. PRESIDENT :

I am directed by the House of Representatives to inform the Senate that the House has passed, without amendment, bill of the Senate, No. 8, "a bill to prohibit the evidence of Indians and persons having one-eighth or more of negro blood in all cases when white persons are parties in interest."

Also the following message was received from the House of Representatives, by Mr. Bowes, their clerk :

MR. PRESIDENT :

I am directed by the House of Representatives to inform the Senate that the House have reciprocated the following resolution of the Senate:

*Resolved*, The House concurring, that the Superintendent of the Insane Asylum be directed to receive, as a patient, Charles N. Norrsi, of Daviess county, who is now in this city, he being recently insane and having wandered off from his friends.

Mr. Harris submitted the following resolution :

*Resolved*, That the committee on Education be instructed to report a bill providing for the creation of school districts within each civil township in this State, and for the election of school trustees for such districts, and make any other changes they may deem necessary to the school law of last session.

Which was adopted.

On motion by Mr. Humphreys,

The vote on the adoption of the resolution of Mr. Harris was reconsidered.

The question then recurred on the adoption of the resolution,

The ayes and noes were demanded by Senators Humphreys and Harris.

*Those who voted in the affirmative were,*

Messrs. Brown, Cutshaw, Edwards, Gant, Greathouse, Griggs, Gordon, Hall, Harris, Hawthorn, Helm, Hendry, Jackson of Tipton, Kightley, Meeker, Powell, Shook, Sullivan, Vandeventer and Williams—20.

*Those who voted in the negative were,*

Messrs. Anthony, Barton, Black, Brookshire, Butler, Cox, Gibson, Glazebrook, Horton, Hosbrook, Humphreys, Jackson of Madison, Morrison, Odell, Reynolds, Shallenberger, Simpson, Wilson of Harrison, Wilson of Jay and Witherow—20.

There being a tie vote,

The President decided the question in the negative.

On motion by Mr. Morrison,

The report of the Agent of the Indiana Colonization Society was taken from the table,

And referred to the committee on Federal Relations.

Mr. Black submitted the following resolution :

*Resolved*, That when the Senate adjourn it adjourn to meet Monday morning at 9 o'clock.

The question being on the adoption of the resolution,

The ayes and noes were demanded by Senators Odell and Shook.

*Those who voted in the affirmative were,*

Messrs. Anthony, Barton, Black, Brown, Cox, Cutshaw, Gibson, Greathouse, Gordon, Harris, Hawthorn, Humphreys, Jackson of Madison, Kightley, Powell and Reynolds—16.

*Those who voted in the negative were,*

Messrs. Brookshire, Butler, Edwards, Gant, Glazebrook, Griggs, Hall, Helm, Hendry, Horton, Hosbrook, Jackson of Tipton, Meeker, Morrison, Odell, Shallenberger, Shook, Simpson, Sullivan, Vandeventer, Williams, Wilson of Harrison, Wilson of Jay and Witherow—24.

So the resolution was not adopted.

On motion by Mr. Wilson of Harrison,  
The vote taken on the adoption of the resolution of Mr. Black,  
Was reconsidered.

The question then recurring on the adoption of the resolution,  
It was decided in the affirmative.

Mr. Sullivan, chairman of the committee on Finance, submitted the following report:

MR. PRESIDENT:

The committee on Finance to whom was referred Senate bill No. 41, a bill to amend an act entitled "an act regulating the fees of officers," approved June 16, 1852, with instructions, have directed me to report the same back amended, as instructed, to-wit: Strike out the second proviso in the 2d section.

Which report was concurred in,

The question being on the passage of the bill,

*Those who voted in the affirmative were,*

Messrs. Anthony, Barton, Black, Brookshire, Brown, Butler, Cox, Cutshaw, Edwards, Gibson, Greathouse, Gordon, Hawthorn, Hosbrook, Humphreys, Jackson of Madison, Jackson of Tipton, Kightley, Odell, Powell, Reynolds, Sullivan, Wilson of Harrison, Wilson of Jay and Witherow—25.

*Those who voted in the negative were,*

Messrs. Gant, Glazebrook, Griggs, Hall, Harris, Helm, Hendry, Horton, Meeker, Morrison, Shallenberger, Shook, Simpson, Vandeventer and Williams—15.

So the bill did not pass,

There not being a constitutional vote therefor.

Mr. Reynolds introduced the following bill:

No. 80. A bill to prevent any person from riding or driving over bridges of seventy feet span, or upwards, faster than a walk,

Which was read the first time, and passed to a second reading.

Mr. Witherow introduced the following bill:

No. 81. A bill to amend section 36 of an act entitled "an act prescribing who may make a will, the effect thereof, what may be devised, regulating the revocation, admission to probate and contest thereof," approved May 31, 1852,

Which was read the first time and passed to a second reading.

On motion by Mr. Humphreys,  
The Senate adjourned.

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MONDAY MORNING, 9 o'clock, }  
February 14, 1853. }

The Senate assembled.

Mr. Humphreys moved that the reading of the Journal be dispensed with,

Which was decided in the negative.

The Journal was then partly read; when,

On motion by Mr. Gibson,  
The further reading was dispensed with.

#### PETITIONS PRESENTED.

By Mr. Harris:

The petition of sundry citizens of Elkhart county, praying a change in the collecting law, so as to make debts collectable where contracted, or within the county where the debtor resides,

Which,

On motion by Mr. Harris,

Was referred to the committee on County and Township Business.

By Mr. Shook:

A petition on the subject of the license law,

Which was,

On motion,

Referred to the committee on Temperance.

#### REPORTS FROM COMMITTEES.

By Mr. Sullivan, chairman of the committee on Finance:

MR. PRESIDENT:

The committee on Finance to whom was referred that part of the Governor's message relating to the abolition of the office of agent of State, have had the same under consideration, and a majority direct me to report that the abolition of said office as inexpedient, and ask to be discharged from the further consideration of the subject.

Which was concurred in.

By Mr. Gibson chairman of the Judiciary committee:

MR. PRESIDENT:

The committee on the Judiciary who were by resolution of the Senate directed to report all bills necessary in their opinion to reconcile conflicting laws, have directed me to report the following bill and recommend its passage.

No. 82. A bill to amend the 4th, 5th, 27th, 37th, 47th, 49th, 53d, 38th, 67th, 81st, 540th and 799th sections of an act entitled an act to revise, simplify and abridge the rules, practice, pleadings and forms in civil cases in the courts of this State, to abolish distinct forms of actions at law, and to provide for the administration of justice in a uniform mode of pleading and practice, without distinction between law and equity, approved June 18th, 1852,

Which was read the first time and passed to a second reading.

By Mr. Cox, from the Judiciary committee:

MR. PRESIDENT:

The committee on the Judiciary to whom was referred Senate bill No. 74, a bill to amend the 2nd division of section 24 of the 1st chapter of the second volume of the revised statutes, have had the same under consideration and have directed me to report the bill back to the Senate, that it is inexpedient, and to recommend that it be indefinitely postponed.

Which report was concurred in, and the bill indefinitely postponed.

By Mr. Gibson, chairman of the Judiciary committee:

MR. PRESIDENT:

The committee on the Judiciary, to whom was referred Senate bill No. 73, have had the same under consideration and have directed me to report the bill back to the Senate with the following amend-

ments, and when so amended recommend its passage: amend by adding to the first section:

*Provided*, that in all cases where testators have died, at least three years and not more than five years before the taking effect of this act, the devisees shall have two years after the taking effect thereof in which to comply with the provisions hereof.

Which report was concurred in, the bill read a second time and ordered to be engrossed.

By Mr. Anthony from the Judiciary committee:

MR. PRESIDENT:

The committee on the Judiciary to whom was referred House bill No. 74, a bill to amend section 3 of an act entitled "an act repealing all former acts of the Legislature, except those therein named," approved June 18, 1852, and to transfer to the courts of common pleas, all indictments for misdemeanors pending in the circuit courts of this State, and to provide for the trial of misdemeanors therein occurring prior to the time the act organizing courts of common pleas took effect, have had the same under consideration, and directed me to report the bill back to the Senate, and that further legislation on this subject is inexpedient at this time, and recommend that the bill be indefinitely postponed.

Which report was concurred in, and the bill indefinitely postponed.

By Mr. Griggs, from the committee on the Organization of Courts:

MR. PRESIDENT:

The committee on the Organization of Courts to which was referred a resolution of inquiry in reference to masters in chancery, has had the same under consideration, and directed me to report the following bill and recommend its passage:

No. 83. A bill authorizing judges of the circuit courts and courts of common pleas to appoint master commissioners, and defining their duties and compensation,

Which was read the first time and passed to a second reading.

By Mr. Cox, chairman of the committee on Enrolled Bills:

MR. PRESIDENT:

The committee on Enrolled Bills have compared the enrolled with the engrossed copy of bill No. 8, a bill to prohibit the evidence of Indians, and persons having one-eighth or more of negro blood, in all cases where white persons are parties in interest, and find the same correctly enrolled.

## RESOLUTIONS INTRODUCED.

On motion by Mr. Gibson,

*Resolved*, That the Judiciary committee be instructed to inquire whether, under the code of 1852, an execution-debtor can obtain any property exempted from execution when the contract upon which the judgment was founded, was made previous to the 4th of July last.

On motion by Mr. Hendry,

*Resolved*, That the committee on the Organization of Courts be instructed to inquire into the expediency of fixing the time within which appeals may be taken from the courts of common pleas to the circuit courts, and prescribe the mode of taking such appeals in civil and criminal cases, and report by bill or otherwise.

On motion by Mr. Powell,

*Resolved*, That the committee on the Organization of Courts be instructed to inquire into the expediency of so amending the present law, on page 290, as to allow each witness for attending the supreme and circuit courts and courts of common pleas one dollar per day, for every day in his own county, and for every witness attending from another county, one dollar and fifty cents per day.

## BILLS INTRODUCED.

By Mr. Edwards:

No. 84. A bill to repeal the sixteenth, (16,) seventeenth, (17,) eighteenth, (18,) twenty-second, (22,) twenty-third, (23,) twenty-fifth, (25,) twenty-sixth, (26,) and twenty-seventh, (27,) sections of an act entitled "an act regulating descents and the apportionment of estates," approved May 14th, 1852, and to revive the fourth (4,) article of the twenty-eighth chapter, and the one hundred and fortieth (140,) and the one hundred and forty-first (141,) sections of the sixth (6,) article of the twenty-eighth chapter, of the Revised Statutes of 1843, and to regulate, in certain cases, the descent of estates,

Which was read a first time and passed to a second reading.

By Mr. Sullivan:

No. 85. "A bill to provide for the investing of the common school fund, in the bonds of the State of Indiana."

Which was read the first time and passed to a second reading.

By Mr. Anthony:

No. 86. A bill supplemental to an act entitled "an act to establish courts of common pleas, and defining the jurisdiction and duties

of, and providing compensation for the judges thereto," approved May 14, 1852,

Which was read the first time, and passed to a second reading.

By Mr. Powell:

No. 87. A bill to authorize Turnpike and plank road companies to commence work at any joint on said turnpike or plank roads,

Which was read the first time and passed to a second reading.

#### ORDERS OF THE DAY.

##### *Senate bills on second reading.*

No. 76. A bill authorizing the collection of rents,

Was read a second time by the title; and,

On motion by Mr. Edwards,

Referred to the Judiciary committee.

No. 77. "A bill to provide for the election, fixing the compensation, and prescribing the duties of attorney general for the State of Indiana,"

Was read a second time by the title; and,

On motion by Mr. Edwards,

Referred to the Judiciary committee.

No. 78. A bill to amend section 95, of chapter 10, of the Revised Statutes of 1852, relative to foreign executors,

Was read a second time by the title; and,

On motion by Mr. Harris,

Referred to the Judiciary committee.

No. 79. A bill to amend an act therein named,

Was read a second time; and,

On motion by Mr. Black,

Referred to the committee on Finance.

No. 81. A bill to amend section 36 of an act prescribing who may make a will, the effect thereof, what may be devised, regulating the revocation, admission to probate, and contest thereof," approved May 31, 1852,

Was read the second time by the title; and,

On motion by Mr. Humphreys,

Referred to the Judiciary Committee.

No. 80. A bill to prevent any person from riding or driving over bridges of seventy feet span, and upwards, faster than a walk,

Was read the second time by the title; and,

On motion by Mr. Humphreys,

Referred to the committee on Roads.

House bill No. 112, a bill to amend the fifth section of an act

entitled an act for the more uniform mode of doing township business,

Was read a second time by the title; and,

On motion by Mr. Horton,

Referred to the committee on County and Township Business.

SENATE BILLS ON THIRD READING.

No. 66. A bill to enable turnpike companies heretofore chartered, who have gone on to construct their roads, but have failed to complete the same within the time specified in their charter, to complete their unfinished roads,

Was read a third time,

The question then being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Anthony, Barton, Black, Brookshire, Butler, Cox, Cutshaw, Edwards, Gant, Gibson, Glazebrook, Greathouse, Griggs, Gordon, Hall, Harris, Hawthorn, Helm, Hendry, Horton, Hosbrook, Humphreys, Jackson of Tipton, Kightley, Meeker, Odell, Powell, Reynolds, Shallenberger, Shook, Simpson, Sullivan, Vandeventer, Wilson of Jay and Witherow—35.

No Senator voting in the negative.

So the bill passed.

Ordered that the Secretary inform the House thereof.

No. 58. A bill to fix the price of the Indiana Reports,

Was read a third time.

And the question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Anthony, Barton, Black, Brookshire, Cox, Cutshaw, Edwards, Gibson, Greathouse, Griggs, Gordon, Hall, Harris, Hawthorn, Hendry, Horton, Hosbrook, Humphreys, Jackson of Tipton, Kightley, Meeker, Odell, Powell, Reynolds, Shallenberger, Simpson, Sullivan, Vandeventer, Wilson of Jay and Witherow—30.

*Those who voted in the negative were,*

Messrs. Butler, Gant, Glazebrook, Helm and Shook—5.

So the bill passed:

Ordered that the Secretary inform the House thereof.

No. 71. A bill to amend sections ninety-six and one hundred and twenty-three of the assessment laws, approved June 21, 1852,  
Was read a third time,  
And the question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Anthony, Barton, Black, Butler, Cox, Cutshaw, Gant, Gibson, Glazebrook, Greathouse, Hawthorn, Horton, Hosbrook, Humphreys, Meeker, Powell, Reynolds, Shallenberger, Sullivan, Wilson of Jay and Witherow—22.

*Those who voted in the negative were,*

Messrs. Brookshire, Edwards, Griggs, Gordon, Hall, Harris, Helm, Hendry, Jacksen of Tipton, Kightley, Odell, Shook and Vandeventer—13.

So the bill did not pass,  
There not being a constitutional vote therefor.

Senate bill No. 72, a bill providing for the compensation of township assessors,

Was read a third time.  
The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Anthony, Barton, Black, Brookshire, Butler, Cox, Cutshaw, Edwards, Gant, Gibson, Glazebrook, Greathouse, Griggs, Gordon, Harris, Hawthorn, Helm, Hendry, Horton, Hosbrook, Humphreys, Jackson of Tipton, Kightley, Meeker, Odell, Powell, Reynolds, Shallenberger, Shook, Simpson, Sullivan, Vandeventer, Wilson of Jay and Witherow—34.

Mr. Hall voted in the negative.

So the bill passed.  
Ordered that the Secretary inform the House thereof.

The following message from the House of Representatives was taken up:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House has passed the following engrossed bills thereof, to-wit:

No. 107. An act to amend section 3 of an act entitled an act for the regulation of weights and measures, approved June 9, 1852.

No. 134. An act to repeal a joint resolution, approved February 12, 1848, and to abolish the office of State Agent for International literary exchanges.

No. 139. A bill requiring clerks of the circuit courts, and courts of common pleas, to prepay the postage on letters enclosing any process or order of those courts, and requiring the clerk of the supreme court, to prepay the postage on letters enclosing any process, certified copy of any order, opinion, or judgment of that court, and prescribing the mode of their reimbursement.

In which the concurrence of the Senate is respectfully requested.

Bills Nos. 107, 134 and 139 contained in the message were severally read a first time and ordered to a second reading.

The following message was received from the House of Representatives:

MR. PRESIDENT:

I am directed by the House to inform the Senate, that the Speaker has signed Senate bills Nos. 8, 12, 30, 33 and 48, and also that he has signed Senate joint resolution No. 6, which I am directed to return to the Senate.

Mr. Sullivan submitted the following resolution:

*Resolved*, That the committee on Finance be instructed to report a bill authorizing the treasurer of State to borrow money to pay the interest on our State debt for the January instalment.

Which was adopted.

Mr. Gibson submitted the following resolution.

*Resolved*, That the secretary of the Senate cause to be made out for the use of the Senate, a list of Senate bills which have passed the Senate and have not been returned from the house, and that he ascertain from the clerk of the house the present stage of such bills in the house, and embrace the same in his report.

Which was adopted.

On motion by Mr. Anthony,  
The Senate adjourned until two o'clock.

2 o'clock, P. M.

The Senate assembled.

The hour having arrived, according to previous order the Senate proceeded to the consideration of Senate bill No. 49, a bill to amend an act entitled an act to authorise and regulate the business of general banking, approved May 28th 1852, and to require banks heretofore organized and have commenced operations under the said act to comply with the provisions of this act.

The question being on the adoption of the amendment of Mr. Wilson of Harrison to the amendment of Mr. Spann.

On motion by Mr. Humphreys,

The Senate resolved itself into committee of the whole on the bill, Mr. Gibson in the chair.

After having spent sometime in the consideration of the subject, the committee arose and made the following report by Mr. Gibson, their chairman.

MR. PRESIDENT:

The committee of the whole to whom was referred Senate bill No. 49, have had the same under consideration, and made the following amendments thereto, and a majority of said committee have directed me to report the same back with the amendments, and upon their adoption recommend the passage of the bill.

Amendments by the committee:

SEC. 4. That section 13 of said act be amended to read as follows: Each bond or certificate of public stock to be deposited with the auditor by any such person or association, shall be countermarked by the same as follows, to-wit: Transferred to the Auditor of State — day of — 18 —, by the president and cashier of the — bank of —, and attested by the Secretary and Treasurer of State. And all bonds or stocks so countersigned and filed with the auditor, shall be held by him exclusively for the redemption of the bills or notes of such person or association put in circulation as money, until the same are paid, and shall in no case be held for the benefit of any depositor or other person having business with such individual banker or banking association, until after the issue of said bank is redeemed, and all transfer or charges of any bond or stocks filed with the auditor, shall be marked on the same, showing to whom and for what purpose the change was made; and all expenses necessary to the countersigning, transferring, or retransferring, as above, shall be paid by the banker or association filing the same at the time such service is rendered; and all bonds or stocks certified as aforesaid shall be wrapped in an envelope, sealed, mark-

ed with the number and amount of said bonds, by what bank deposited, and safely keep the same. And it shall further be the duty of each banker or association to keep a list of the bonds countersigned and filed as above, which list shall be certified by the auditor and published by the banker or association two weeks successively after the date of said certificate, and quarterly thereafter in two weekly papers published in Indianapolis having the greatest circulation. And such banker or banking association shall keep a copy of the same posted up in plain view in their banking house at all times, and in default thereof, shall be dealt with as for violation of the law regulating such banking.

SEC. 6. It shall not be lawful for the Auditor of State or other officer to countersign or deliver to any person or association, paper or bank notes to be circulated as currency, until said person or association shall first file in the office of the said auditor a list of the directors of said banking institution (not less than five), all of whom shall be residents of the county where the association is located and where the said notes or paper purports to be redeemed, and who shall be *bona fide* stockholders to the amount of not less than two thousand dollars, and an oath or affirmation that such persons are directors and hold the foregoing amount of stock, shall be required of the president or cashier of such institution, which oath or affirmation the Auditor of State may, by virtue of this act, administer to the parties making such application. A proper record of which shall be kept in his office, and whenever the Auditor of State shall be satisfied that any association or banking institution established under the act to which this is an amendment, shall not continue to have a board of directors as provided herein, he shall close said banking institution; and whenever he shall become satisfied that any such banking institution does not loan her money at the place designated, for the location of said bank, he shall close said banking institution; and whenever he shall be satisfied that any banking institution established under the act to which this is an amendment, is not doing a legitimate banking business at the place where said bank is purported to be located, he shall close said bank, the same as if said bank had failed to redeem her notes.

SEC. 7. The auditor may countersign said bills by deputy to be by him appointed.

SEC. 8. In all cases where payment of its notes has been refused by any bank incorporated under the provisions of the act to which this is an amendment, the holder of said notes shall be entitled to demand and receive five per cent. in damages on the amount so refused.

Which report was concurred in,

The amendments adopted and the bill ordered to be engrossed.

On motion by Mr. Barton,

The Senate adjourned.

TUESDAY MORNING, 9 o'clock, }  
February 15th, 1853 }

The Senate assembled.

On motion,  
Mr. Harris took the chair  
On motion by Mr. Glazebrook,  
The reading of the Journal was dispensed with.

#### PETITIONS PRESENTED.

By Mr. Hendry:  
The petition of Chauncy H. Noyes, asking remuneration for amount paid by him, and his own services in apprehending fugitives from justice,

Which,

On motion,  
Was referred to the committee on Claims.

By Mr. Shallenberger:

A petition on the subject of temperance,

Which,

On motion,  
Was referred to the committee on Temperance.

By Mr. Wilson of Jay:

A petition of 59 voters of Randolph county, praying the prohibition of the manufacture and sale of ardent spirits to be used as a beverage,

Which,

On motion,  
Was referred to the committee on Temperance.

By Mr. Witherow:

The petition of 91 citizens of Hendricks county on the subject of temperance,

Which,

On motion,  
Was referred to the committee on Temperance.

By Mr. Shook:

A petition on the subject of allowing a change of venue in the courts of common pleas in civil cases,

Which,

On motion by Mr. Shook,  
Was referred to the Judiciary committee.

By Mr. Shields:

The petition of sundry German citizens, on the subject of the common school fund,

Which,

On motion by Mr. Shields,

Was referred to the committee on Education.

#### BILLS INTRODUCED.

By Mr. Gibson:

No. 88. A bill to amend an act entitled "an act for the incorporation of cities," approved June 18, 1852, amending sections 8, 9, 18, 21, 29, 30, 32, 33, 45, 50, 77, 84 and 88.

Which was read a first time and passed to a second reading.

By Mr. Morrison:

No. 89. A bill to amend an act entitled "an act for the incorporation of cities," approved June 18, 1852.

Which was read a first time and passed to a second reading.

By Mr. Vandeventer:

No. 90. A bill to amend section 799, of chapter 1st, part 2nd, of the 2nd volume of the Revised Statutes of 1852.

Which was read the first time and passed to a second reading.

By Mr. Hosbrook:

No. 91. A bill to amend an act entitled "an act in relation to the taxation of lands in towns and cities," approved June 18, 1852.

Which was read the first time and passed to a second reading.

By Mr. Wilson of Jay:

No. 92. A bill to authorize and require clerks of courts of common pleas in cases where the proper record books have not been provided in time for the January term of said court for the year 1853, to transcribe from the original records into the new record, when provided, and legalize the same.

Which was read the first time and passed to a second reading.

By Mr. Reynolds:

No. 93. A bill directing satisfaction to be entered of a certain decree therein named.

Which was read the first time and passed to a second reading.

The following message was received from his excellency the Governor, by Mr. King his private Secretary,:

MR. PRESIDENT:

I am directed by the Governor to inform the Senate that he has approved and signed the following bills, to-wit:

No. 6. A joint resolution on the subject of a Ship Canal around the falls of Niagara, connecting Lake Ontario and Lake Erie.

No. 8. An act to prohibit the evidence of Indians and persons having one eighth or more of negro blood in all cases when white persons are parties in interest.

No. 12. An act to authorize foreign guardians to sell real estate of their wards in this State.

No. 30. An act authorizing guardians, executors, and administrators to lay off the real estate of their wards and decedents into town lots, and to dedicate streets, alleys and squares to public use, when so ordered by the proper court.

No. 33. An act to amend section 3 of an act entitled "an act defining misdemeanors and prescribing punishment therefor, approved June 14, 1852.

No. 48. An act to repeal certain acts therein named.  
Which bills originated in the Senate.

#### RESOLUTIONS INTRODUCED.

On motion by Mr. Odell,

*Resolved*, That the committee on the organization of courts enquire into the expediency of amending the third section of the second volume of the Revised Code of 1852, article 15, chapter 3, an act to provide for the election, and certain of the duties of prosecuting and district attorneys, approved June 11th, 1852, so that the examination mentioned in said section be taken before some judge, justice of the peace, or other officer authorized to administer oaths in private, and if on such examination the facts thus elicited are sufficient in the opinion of said attorney to establish a reasonable presumption of guilt against the party charged, that it shall be the duty of such attorney to reduce said examination to writing, subscribed and sworn to by the person examined; and file the same in the proper court, whereupon such court shall cause process to issue for the apprehension of the accused as in other cases, said committee are requested to report by bill or otherwise.

On motion by Mr. Brookshire,

*Resolved*, That the committee on corporations be instructed to inquire into the expediency of amending or repealing section first, chapter 87, of the Statutes of 1852, and report by bill or otherwise.

#### ORDERS OF THE DAY.

On motion by Mr. Anthony,  
The vote taken on indefinitely postponing House bill

No. 84. "A bill to prevent the gathering of cranberries on the public lands in the State of Indiana, before they are ripe,"

Was reconsidered: and,

On motion by Mr. Anthony,

The vote adopting the amendments of the Judiciary Committee,  
Was reconsidered:

The question recurring on the indefinite postponement of the bill.  
It was decided in the negative.

The bill was then ordered to a third reading.

#### SENATE BILLS ON SECOND READING.

No. 82. A bill to amend the 4th, 5th, 27th, 37th, 47th, 49th, 53d, 58th, 67th, 81st, 540th, 799th sections of an act entitled "an act to revise, simplify, and abridge the rules, practice, pleadings and forms in civil cases, in the courts of this State, to abolish distinct forms of action at law, and to provide for the administration of justice in a uniform mode of pleading and practice, without distinction between law and equity," approved June 18, 1852,

Was read a second time and ordered to be engrossed.

No. 83. A bill authorizing judges of the circuit courts and courts of common pleas to appoint master commissioners and defining their duties and compensation,

Was read the second time and ordered to be engrossed.

No 84. A bill to repeal the 16th, 17, 18th, 22nd, 23rd, 25th, and 27th sections of an act entitled "an act regulating descents and the apportionment of estates," approved May 14, 1852, and to revive the 4th article of the 28th chapter, and 140th and the 141st sections of the 6th article of the 28th chapter of the Revised Statutes of 1843, and to regulate in certain cases the descent of estates,

Was read the second time by the title: and,

On motion by Mr. Edwards,

Referred to the Judiciary committee.

No. 85. A bill to provide for the investing of the common school fund in the bonds of the State of Indiana.

Was read a second time by the title; and,

On motion by Mr. Hendry,

Referred to the committee on Education.

No. 86. A bill supplemental to an act entitled "an act to establish courts of common pleas, and defining the jurisdiction and duties of, and providing compensation for the judges thereof," approved May 14, 1852,

Was read the second time by the title.

Mr. Anthony moved to lay the bill on the table.

Which was decided in the affirmative.

No. 87. A bill to authorize turnpike and plank road companies,

to commence work at any point on said turnpike or plank road,  
 Was read a second time; and,  
 On motion by Mr. Morrison,  
 Referred to the committee on Corporations.

#### HOUSE BILLS ON SECOND READING.

No. 107. A bill to amend section 3 of an act entitled "an act for the regulation of weights and measures," approved June 9, 1852.

Was read the second time; and,

On motion by Mr. Gibson,

Referred to the committee on Agriculture.

No. 134. A bill to repeal a joint resolution approved February 12, 1848, and to abolish the office of Agent of State for international literary exchanges,

Was read a second time; and,

On motion by Mr. Gibson,

Referred to the Judiciary committee.

No. 139. A bill requiring clerks of the circuit courts and courts of common pleas to pre-pay the postage on letters inclosing any process or order of those courts, and requiring the clerk of the supreme court to pre-pay the postage on letters inclosing any process, certified copy of any order, opinion or judgment of that court, and prescribing the mode of their reimbursement.

Was read a second time by the title; and,

On motion by Mr. Gibson,

Referred to the committee on the Judiciary.

#### SENATE BILLS ON THIRD READING.

No. 49. A bill to amend the 5th, 6th, 7th, and 16th, sections of an act to authorize and regulate the business of general banking," approved May 28, 1852, and to require banks heretofore organized, and have commenced operations under the said act to comply with the provisions of this act.

Was read the third time; when,

Mr. Greathouse moved to recommit the bill to the select committee on Banks, with instructions to strike out the 6th, 7th and 8th sections of the bill.

Pending which,

The order of business was suspended, and Mr. Edwards obtained leave and introduced the following bill:

No. 94. A bill to repeal an act entitled "an act to authorize and regulate the business of general banking," approved May 28, 1852,

Which was read the first time and passed to a second reading.

The order of business was then resumed.

The question being on referring the bill to a select committee with the instructions of Mr. Greathouse,

Which was decided in the negative.

On motion by Mr. Gibson,

The vote ordering Senate bill No. 49, to be engrossed, was reconsidered.

Mr. Edwards moved that the Senate adjourn,

Which was not agreed to.

Mr. Edwards moved to lay the bill on the table,

Which was decided in the negative.

On motion by Mr. Shields,

The bill was made the special order for this afternoon at 2 o'clock.

Mr. Cox submitted the following resolution:

*Resolved*, That the State Printer lay upon the desks of the Senate, one bound copy for each Senator, of the 1st and 2d volume of the Revised Statutes of 1852,

Which was adopted.

On motion by Mr. Spann,

*Resolved*, That the State Librarian be directed to furnish each member of the Senate and officers, with a bound copy of the Revised Statutes of 1852, of those ordered to be bound with every fourth leaf blank, as soon as convenient.

On motion by Mr. Vandeventer,

The Senate adjourned.

2 o'clock, P. M.

The Senate assembled.

On motion by Mr. Slater,

A call of the Senate was ordered.

The Secretary then proceeded to the call, when the following Senators answered to their names:

Messrs. Adams, Barnett, Black, Brown, Butler, Combs, Cox, Cuthaw, Edwards, Gant, Glazebrook, Greathouse, Griggs, Hall, Harris, Hawthorn, Helm, Hendry, Hosbrook, Humphreys, Jackson of Madison, Jackson of Tipton, Meeker, Morrison, Powell, Reynolds, Roberts, Shields, Shook, Simpson, Slater, Spann, Sullivan and Wilson of Jay—33.

On motion by Mr. Black,

The further call was suspended.

The hour having arrived, according to previous order, the Senate proceeded to the consideration of House bill No. 47, a bill to authorize the relocation of the seat of justice of the county of Clay, and to authorize the receiving of subscriptions and donations for the erection of the public buildings in said county.

By unanimous consent of the Senate,

Mr. Slater submitted the following minority report from a select committee:

MR. PRESIDENT:

The undersigned, a minority of the select committee, to which was referred House bill No. 47, providing for the relocation of the seat of justice of Clay county, would respectfully report, that we cannot agree with a majority of your committee, who report in favor of said bill for several reasons. Some of which we will proceed to notice.

In the first place we would say that, not being lawyers by profession, it cannot be expected of us to enter into a labored argument upon the constitutionality of the question involved in the bill. We will content ourselves with saying, that the Judiciary committee having made an able report setting forth its unconstitutionality we have not seen nor heard the arguments of that report answered. And we may be permitted to say that the report last alluded to is in strict conformity with the report of the Judiciary, and the action of the last House of Representatives upon a special bill to relocate the county seat of Fountain; and also, the report of a select committee of the Senate and the action of the Senate thereon at the last session.

But passing over the constitutional objections to the passage of this law, we will now proceed to examine some other matters connected therewith.

This bill provides for the appointment of five commissioners, whose duty it shall be to meet at a certain time and place and proceed to make a selection of a site for a seat of justice. They have very great latitude as to the place of location—more than ought to be so vested. So far as we can understand the petition upon this point, this bill does not follow the prayer of the petitioners. Whether the petition was got up with reference to one point, and the bill drafted with reference to a different point for the relocation, we are not able to determine; but certainly, as before stated, greater latitude is allowed to said commissioners than will justify the people near the geographical center of said county, in expecting said relocation in their neighborhood; provided, any other portion of said county can command more money than they can to dispose of as donations.

Further, it appears from a remonstrance before us, that great diffi-

culties may be thrown around the title, by which the real property at the present county seat will be held, for the reason that the land upon which said town is built, was donated to said county for the permanent location of the county seat. If a removal takes place, a very serious question will arise which we will not pretend to give an opinion upon, whether said lands will not revert to the donor. If it does revert, the effect will be to ruin property holders, unless they have a remedy. This bill contains no provision by which that remedy can be sought. It ought to contain such provision. We are told that a majority of said county ask this law, that it is to be granted in accordance with that prayer. But should we pass an unjust law to the great injury of a minority of a county, because a majority ask it? We think not, for we have been taught that government itself was instituted for the protection of the weak against the strong.

The remonstrance likewise, shows that the financial affairs of said county are in a very bad situation, so much so, that it will require a levy of more than one dollar on the one hundred to pay off the debts which will be due from said county the coming year. This debt has been incurred in building a new court house, which is about completed. It is very possible that the petitioners did not have all the facts before them as to the affairs of the county; but admitting they did, would it be proper for us to pass a law which would burden a people, simply because they ask it. The debt would be greatly increased by purchasing a new site and erecting the buildings required by law, unless donations are made to meet these latter expenses. It appears to us that no great donations can be obtained, unless a bidding by opposition points shall be invited, in that case money will be more likely to rule and determine the matter, than the eligibility of site and interest of the whole.

The question recurring on the engrossment of the bill.

Mr. Humphreys submitted the following amendment:

Amend by adding the following section:

After the persons herein named, shall have selected, designated and reported the new or proposed site for the county seat the county commissioners shall order the question of removal to the place designated, to be submitted to the vote of the people, on a day by them designated, if a majority of the legal voters of said county shall vote for said relocation, then the same shall be removed as herein provided.

On motion by Mr. Edsall,

The further consideration of the subject was postponed until tomorrow morning 10 o'clock.

William J. Robinson, Senator elect from the county of Decatur, presented his credentials, was sworn into office, and took his seat.

The Senate then resolved itself into the committee of the whole on Senate bill No. 49, a bill to regulate the business of free banking.

Mr. Hosbrook in the chair.

After having spent some time in the consideration of the subject the committee rose and made the following report by their chairman:

MR. PRESIDENT:

The committee of the whole Senate, to whom was referred Senate bill No. 49, a bill to amend the 5th, 6th, 7th and 16th sections of an act entitled an act to authorize and regulate the business of general banking &c., have had the same under consideration and the committee have adopted several amendments thereto, and have directed me to report the said bill back to the Senate with the said amendments, and upon their adoption by the Senate, respectfully recommend the passage of the bill.

1st, strike out of the second section the words 'and the public debt of this State so deposited shall be or shall be made to be, equal to a stock producing five per cent. per annum,' and insert, 'and the public debt so deposited shall be receivable at its cash market value, but not exceeding its par value.'

2nd, strike out the seventh section.

The question being on concurring in the 1st amendment made by the committee of the whole,

It was agreed to.

The question being on concurring in the second amendment of the committee,

The ayes and noes were demanded by Senators Gibson and Spann.

*Those who voted in the affirmative were,*

Messrs. Barnett, Barton, Black, Brookshire, Brown, Butler, Combs, Edsall, Edwards, Greathouse, Griggs, Gordon, Hawthorn, Hendry, Horton, Hosbrook, Jackson of Tipton, Meeker, Morrison, Odell, Reynolds, Richardson, Roberts, Sullivan, Shields and Williams—26.

*Those who voted in the negative were,*

Messrs. Adams, Anthony, Cox, Cutshaw, Gant, Gibson, Glazebrook, Hall, Harris, Humphreys, Jackson of Madison, Kightley, Powell, Shallenberger, Shook, Simpson, Slater, Spann, Vandeventer, Wilson of Jay, and Witherow—21.

So the amendment was adopted.

Mr. Spann moved to amend by striking out twelve and a half, and insert twenty wherever it occurs.

The question being on the adoption of the amendment,

The ayes and noes were demanded by Senators Spann and Shook.

*Those who voted in the affirmative were,*

Messrs. Adams, Brookshire, Brown, Cox, Cutshaw, Gant, Gibson, Glazebrook, Gordon, Harris, Hosbrook, Humphreys, Kightley, Morrison, Odell, Roberts, Shook, Slater, Spann, Vandeventer, Wilson of Jay, and Witherow—22.

*Those who voted in the negative were,*

Messrs. Anthony, Barnett, Barton, Black, Butler, Combs, Edsall, Edwards, Greathouse, Griggs, Hall, Hawthorn, Hendry, Horton, Jackson of Madison, Jackson of Tipton, Meeker, Powell, Reynolds, Richardson, Shallenberger, Shields, Simpson, Sullivan, and Williams—25.

So the amendment was not adopted.

Mr. Adams submitted the following amendment:

Amend so that the Auditor of State shall take as security, at the election of the banker or bankers,  $12\frac{1}{2}$  cents in bonds on each dollar or 25 cents in real estate, at two-thirds of its real cash value unencumbered and unimproved mortgaged to him as other lands are mortgaged in trust.

Which was not adopted.

Mr. Slater submitted the following amendment:

Strike out from the enacting clause and insert as follows: That the act named in the title to this act be and the same is hereby repealed.

Upon which the ayes and noes were demanded by Messrs. Edwards and Harris.

*Those who voted in the affirmative were,*

Messrs. Adams, Butler, Cox, Cutshaw, Edwards, Gant, Gibson, Glazebrook, Griggs, Harris, Hendry, Humphreys, Shook, Slater, Spann, Vandeventer, Williams and Witherow—18.

*Those who voted in the negative were,*

Messrs. Anthony, Barnett, Barton, Black, Brookshire, Brown, Combs, Edsall, Greathouse, Gordon, Hall, Hawthorn, Horton, Hosbrook, Jackson of Madison, Jackson of Tipton, Kightley, Meeker, Morrison, Powell, Reynolds, Richardson, Roberts, Shallenberger, Shields, Simpson, Sullivan and Wilson of Jay—28.

So the amendment was not adopted.

Mr. Shook submitted the following amendment:

Strike out of the 2d section of the bill so much as provides for the taking of other stocks than those of the United States and the State of Indiana.

Upon which the ayes and noes were demanded by Messrs. Shook and Spann.

*Those who voted in the affirmative were,*

Messrs. Adams, Brookshire, Cox, Cutshaw, Gant, Gibson, Glazebrook, Harris, Hosbrook, Humphreys, Jackson of Madison, Kightley, Morrison, Powell, Roberts, Shields, Shook, Slater, Spann, Vandeventer, Williams, Wilson of Jay and Witherow—23.

*Those who voted in the negative were,*

Messrs. Anthony, Barnett, Barton, Black, Brown, Butler, Combs, Edsall, Edwards, Greathouse, Griggs, Gordon, Hall, Hawthorn, Hendry, Horton, Jackson of Tipton, Meeker, Odell, Reynolds, Richardson, Shallenberger, Simpson and Sullivan—24.

So the amendment was not adopted.

On motion by Mr. Edwards,

The Senate adjourned until to-morrow morning 9 o'clock.

WEDNESDAY MORNING, 9 o'clock, }  
February 16, 1853. }

The Senate assembled.

Mr. Edwards moved to dispense with the reading of the Journal, Which was decided in the negative.

The Secretary proceeded with the reading of the Journal: when,

On motion by Mr. Gibson,

The further reading was dispensed with.

## PETITIONS, MEMORIALS AND REMONSTRANCES.

By Mr. Gibson:

The petition of sundry citizens of this State upon the subject of the manufacture and sale of ardent spirits,

Which was,

On motion,

Referred to the committee on Temperance.

By Mr. Shields:

The petition of sundry citizens of Jackson county, praying the repeal of a portion of the common school law,

Which was,

On motion,

Referred to the committee on Education.

By Mr. Combs:

The petition of several citizens of Clay county upon the subject of the relocation of the county seat of said county,

Which was,

On motion,

Laid on the table.

By Mr. Wilson of Jay:

Upon the subject of temperance,

Which was referred to the committee on that subject.

By Mr. Edsall:

The petition of sundry citizens of Adams county on the subject of Education,

Which was,

On motion,

Referred to the committee on Education.

By Mr. Edsall:

The petition of sundry citizens of this State praying a modification of the common school law,

Which was,

On motion,

Referred to the committee on Education.

## REPORTS FROM COMMITTEES.

By Mr. Harris, from the Judiciary committee:

MR. PRESIDENT:

The Judiciary committee, to whom was referred House bill No. 82, a bill to regulate the permission of foreign insurance companies to establish agencies within this State, have had that subject under

consideration, and have instructed me to report the same back, and to respectfully recommend its indefinite postponement.

Which was concurred in by the Senate, and the bill indefinitely postponed.

By Mr. Richardson, chairman of the committee on Corporations:

MR. PRESIDENT:

The committee on Corporations, to whom was referred House bill No. 101, a bill to amend an act entitled "an act authorizing the construction of plank, McAdamized and gravel roads," approved May 12, 1852, have had the same under consideration; they have directed me to report said bill back to the Senate without amendment, and to recommend its passage.

Which report was concurred in, the bill read the second time and ordered to a third reading.

By Mr. Sullivan, chairman of the committee on Finance:

MR. PRESIDENT:

The committee on Finance, to whom was referred Senate bill No. 75, a bill to authorize county treasurers to sell delinquent lands to the highest bidder, in certain cases, have had the same under consideration, and directed me to report the same back without amendment, and to recommend its passage.

Which report was concurred in, the bill read the second time and ordered to be engrossed.

The following message was received from the House of Representatives by Mr. Bowes their Clerk:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the Speaker has signed the following bill of the House:

No. 22. An act to repeal section six of an act entitled "an act defining felonies, and prescribing punishment therefor," approved June 10, 1852;

Which I am directed to bring to the Senate for the signature of the President thereof;

Whereupon the President affixed his signature thereto.

Also, the following message was received from the House of Representatives, by Mr. Bowes, their Clerk:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate

that the House has concurred in the following resolution of the Senate, viz:

*Resolved*, That the Senate will, the House concurring, go into the election of Agent of State, on Wednesday next, the 16th, at two o'clock, P. M.

#### BILLS INTRODUCED.

By Mr. Gibson :

No. 95. A bill fixing the salary of the private secretary of the Governor;

Which was read the first time and passed to a second reading.

By Mr. Edwards:

No. 96. A bill amendatory of and supplemental to an act entitled "an act to incorporate the Indiana Cotton Mills," approved February 15, 1848;

Which was read a first time and passed to a second reading.

By Mr. Cox:

No. 97. A bill for the preservation of newspapers in county auditors' offices published in each county ;

Which was read the first time and passed to its second reading.

By Mr. Odell:

No. 98. A bill to fix the time for holding the circuit courts in the eighth judicial circuit;

Which was read the first time and passed to a second reading.

#### ORDERS OF THE DAY.

Senate bill No. 49, a bill to amend the 3d, 6th, 7th and 16th sections of an act entitled "an act to authorize and regulate the business of general banking," approved May 28th, 1852, and to require banks heretofore organized, and have commenced operations under this said act, to comply with the provisions of this act;

Was taken up.

Mr. Harris submitted the following amendment: amend by adding the following section:

Sec. 8. The compensation to the Auditor of State for countersigning such bills or notes under this act, or the act to which this is an amendment, shall be \$5,00 for each thousand of said bills or notes to be paid by said banker or banking association.

Mr. Gibson moved to amend the amendment by striking out "five," and insert "ten" in lieu thereof, and after the "countersigning," insert the words "registering and numbering."

Upon which the ayes and noes were demanded by Messrs Gibson, and Sullivan.

*Those who voted in the affirmative were,*

Messrs. Adams, Anthony, Brookshire, Brown, Combs, Cox, Cuthaw, Edsall, Gibson, Greathouse, Gordon, Hall, Hawthorn, Hosbrook, Humphreys, Jackson of Madison, Jackson of Tipton, Morrison, Odell, Powell, Roberts, Shallenberger, Shields, Shook, Slater, Spann and Sullivan—27.

*Those who voted in the negative were,*

Messrs. Barnett, Butler, Edwards, Gant, Glazebrook, Griggs, Harris, Helm, Hendry, Horton, Kightley, Meeker, Reynolds, Richardson, Robinson, Simpson, Vandeventer, Williams, Wilson of Jay and Witherow—20.

So the amendment to the amendment was adopted.

The question was then taken on the adoption of the amendment of Mr. Harris as amended;

Which was decided in the affirmative.

Mr. Barnett offered the following amendment: amend section 2:

*Provided*, That all banking associations organized under the free banking law, prior to the first day of January, 1853, and doing a legitimate business, and having a local directory that may have deposited with the Auditor of State, bonds of any State paying a semi-annual interest or at less periods, may continue to bank upon such securities, under the like restrictions as are imposed upon those bonds mentioned in this section.

Which was not agreed to.

Mr. Williams submitted the following amendment: amend section 6 as follows:

Add the following:

It shall be the duty of the Auditor of State when information shall be received at his office, that any bank organized under this act, has failed to comply fully with the provisions of this act, he shall cause to be issued from the Marion circuit court a writ directed to the sheriff of said county for the president of said bank to appear and show cause why the Auditor should not proceed to close said bank.

Which was not adopted.

Mr. Hawthorn offered the following amendment:

No bank established under the provisions of this act or the act to which this is an amendment, shall be allowed to issue or pay out any bill of this State or of any other State of less denomination than five dollars after the first day of September 1853.

Mr. Gibson moved the previous question,

Which was seconded by the Senate.

The question being shall the main question be now put?

It was decided in the affirmative.

The question being upon the adoption of the amendment of Mr. Hawthorn.

The ayes and noes were demanded by Messrs. Gibson and Hawthorn.

*Those who voted in the affirmative were,*

Messrs. Adams, Barnett, Brookshire, Cox, Cutshaw, Glazebrook, Harris, Hawthorn, Hendry, Horton, Humphreys, Powell, Roberts, Shook, Spann, Vandeventer, and Witherow—17.

*Those who voted in the negative were,*

Messrs. Anthony, Barton, Brown, Butler, Combs, Edsall, Edwards, Gant, Gibson, Greathouse, Griggs, Gordon, Hall, Helm, Hosbrook, Jackson of Madison, Jackson of Tipton, Kightley, Meeker, Morrison, Odell, Reynolds, Richardson, Robinson, Shallenberger, Shields, Simpson, Slater, Sullivan, Williams and Wilson of Jay—31.

So the amendment was not adopted.

The question then being on the engrossment of the bill,

The ayes and noes were demanded by Messrs. Gibson and Sullivan.

*Those who voted in the affirmative were,*

Messrs. Adams, Anthony, Barton, Brookshire, Brown, Combs, Edsall, Gant, Gibson, Glazebrook, Greathouse, Gordon, Hall, Hawthorn, Hosbrook, Humphreys, Jackson of Madison, Jackson of Tipton, Kightley, Morrison, Powell, Reynolds, Richardson, Shallenberger, Shields, Shook, Slater, Spann, Sullivan and Vandeventer—30.

*Those who voted in the negative were,*

Messrs. Barnett, Butler, Cox, Cutshaw, Edwards, Griggs, Harris, Helm, Hendry, Horton, Meeker, Odell, Roberts, Robinson, Simpson, Williams, Wilson of Jay and Witherow—18.

So the bill was ordered to be engrossed.

Mr. Humphreys moved that the bill be considered as engrossed and read the third time,

Mr. Brown moved the previous question, which was seconded by the Senate.

The question being, shall the main question be now put?

Upon which, the ayes and noes were demanded by Messrs. Harris and Odell.

*Those who voted in the affirmative were,*

Messrs. Adams, Barton, Brookshire, Brown, Combs, Cutshaw, Edsall, Gant, Gibson, Glazebrook, Greathouse, Gordon, Hall, Hawthorn, Hosbrook, Humphreys, Jackson of Madison, Jackson of Tipton, Kightley, Morrison, Powell, Reynolds, Richardson, Shallenberger, Shields, Shook, Slater, Spann and Sullivan—29.

*Those who voted in the negative were,*

Messrs. Anthony, Butler, Cox, Edwards, Griggs, Harris, Helm, Hendry, Horton, Meeker, Odell, Roberts, Robinson, Simpson, Vandeverter, Williams, Wilson of Jay and Witherow—19.

So the main question was ordered.

The question being on the passage of the bill,

*Those who voted in the affirmative were,*

Messrs. Adams, Anthony, Barton, Brookshire, Brown, Combs, Cutshaw, Edsall, Gant, Gibson, Glazebrook, Greathouse, Gordon, Hall, Hawthorn, Hosbrook, Humphreys, Jackson of Madison, Jackson of Tipton, Kightley, Morrison, Powell, Reynolds, Richardson, Shallenberger, Shields, Shook, Slater, Spann, Sullivan, and Vandeverter—31.

*Those who voted in the negative were,*

Messrs. Barnett, Butler, Cox, Edwards, Griggs, Harris, Helm, Hendry, Horton, Meeker, Odell, Roberts, Robinson, Simpson, Williams, Wilson of Jay, and Witherow—17.

So the bill passed.

Mr. Gibson offered the following amendment to the title:

“And to further amend said act by supplemental sections thereto, regulating the business of general banking, and defining the duties and powers, and regulating the duties of the Auditor in connection with the business of general banking.”

Which was adopted.

Ordered that the Secretary inform the House of the passage of the bill.

The hour having arrived according to previous order, the Senate proceeded to the consideration of House bill

No. 47. A bill to authorize the relocation of the seat of justice of the county of Clay, and to authorize the receiving of subscriptions and donations for the erection of public buildings in said county;

The question being on the adoption of the amendment submitted by Mr. Humphreys on yesterday,

On motion by Mr. Humphreys,

A call of the Senate was ordered.

The Secretary proceeded to the call, when the following Senators answered to their names:

Messrs. Adams, Anthony, Barnett, Barton, Brookshire, Brown, Butler, Combs, Cox, Cutshaw, Edsall, Edwards, Gant, Gibson, Glazebrook, Greathouse, Griggs, Gordon, Hall, Harris, Hawthorn, Helm, Hendry, Horton, Hosbrook, Humphreys, Jackson of Madison, Jackson of Tipton, Kightley, Meeker, Morrison, Odell, Powell, Reynolds, Roberts, Robinson, Shallenberger, Shields, Shook, Simpson, Slater, Spann, Sullivan, Vandeventer, Williams, Wilson of Jay, and Witherow—47.

On motion by Mr. Edwards,

Leave of absence was granted Mr. Wilson of Harrison, on account of sickness.

On motion by Mr. Barnett,

Leave of absence was granted Mr. Black, on account of sickness.

On motion by Mr. Shook,

The further call of the Senate was suspended.

The question recurring on the adoption of the amendment of Mr. Humphreys,

The ayes and noes were demanded by Senators Humphreys and Combs.

*Those who voted in the affirmative were,*

Messrs. Anthony, Edsall, Gant, Gibson, Glazebrook, Gordon, Hawthorn, Horton, Hosbrook, Humphreys, Jackson of Madison, Jackson of Tipton, Kightley, Morrison, Shook, Slater, Spann and Sullivan—18.

*Those who voted in the negative were,*

Messrs. Adams, Barnett, Brookshire, Butler, Combs, Cox, Cutshaw, Edwards, Greathouse, Griggs, Hall, Harris, Helm, Hendry, Meeker, Odell, Powell, Reynolds, Roberts, Robinson, Shallenberger, Shields, Simpson, Vandeventer, Williams, Wilson of Jay and Witherow—27.

So the amendment was not adopted.

Mr. Humphreys submitted the following amendment:

Strike out the 1st section, and insert section 1st. "There shall be elected at the next April election in the county of Clay, three commissioners, to relocate the county seat of said county."

Upon which the ayes and noes were demanded by Messrs. Humphreys and Gordon.

*Those who voted in the affirmative were,*

Messrs. Barton, Brown, Gant, Gibson, Glazebrook, Gordon, Hawthorn, Horton, Humphreys, Jackson of Tipton, Kightley, Morrison, Shallenberger, Shields, Shook, Slater, Spann and Sullivan—18.

*Those who voted in the negative were,*

Messrs. Adams, Barnett, Brookshire, Butler, Combs, Cox, Edwards, Greathouse, Griggs, Hall, Harris, Helm, Hendry, Jackson of Madison, Meeker, Odell, Powell, Roberts, Robinson, Simpson, Vandever, Williams, Wilson of Jay and Witherow—24.

So the amendment was not adopted.

Mr. Humphreys offered the following amendment:

Strike out all after the word "Clay" where it last occurs in section 2, and insert "within two miles of the geographical centre of said county."

Upon which the ayes and noes were demanded by Messrs. Humphreys and Gordon.

*Those who voted in the affirmative were,*

Messrs. Barton, Gant, Glazebrook, Gordon, Hall, Hawthorn, Horton, Humphreys, Jackson of Madison, Morrison, Reynolds, Shook, Slater, Spann and Sullivan—14.

*Those who voted in the negative were,*

Messrs. Adams, Barnett, Brookshire, Brown, Butler, Combs, Cox, Cutshaw, Edsall, Edwards, Greathouse, Griggs, Hall, Harris, Helm, Hendry, Jackson of Tipton, Kightley, Meeker, Odell, Powell, Roberts, Robinson, Shallenberger, Simpson, Vandeventer, Williams, Wilson of Jay and Witherow—29.

So the amendment was not adopted.

Mr. Humphreys offered the following amendment:

"The commissioners shall not locate the county seat at Brazil."

Mr. Griggs moved to lay the amendment on the table.

Upon which the ayes and noes were demanded by Messrs. Humphreys and Gordon.

*Those who voted in the affirmative were,*

Messrs. Adams, Barnett, Barton, Brookshire, Butler, Combs, Cox, Cutshaw, Edsall, Greathouse, Griggs, Hall, Harris, Hawthorn, Helm, Hendry, Hosbrook, Jackson of Madison, Kightley, Meeker, Odell, Powell, Reynolds, Roberts, Robinson, Shields, Simpson, Spann, Vandeventer, Williams, Wilson of Jay, and Witherow—3?

*Those who voted in the negative were,*

Messrs. Gant, Glazebrook, Gordon, Horton, Humphreys, Jackson of Tipton, Morrison, Shallenberger, Shook, Slater and Sullivan—11.

So the amendmendment was laid on the table.

Mr. Spann offered the following amendment:

The commissioners shall take into consideration the propriety of relocation of the county seat of Clay county, taking into consideration the claims of any and all points, including the present location.

The question being on the adoption of the amendment,

The ayes and noes were demanded by Messrs. Humphreys and Glazebrook.

*Those who voted in the affirmative were,*

Messrs. Barton, Edsall, Edwards, Gant, Glazebrook, Griggs, Gordon, Hawthorn, Horton, Hosbrook, Humphreys, Jackson of Madison, Jackson of Tipton, Morrison, Shallenberger, Shields, Shook, Slater, Spann, Sullivan and Vandeventer—21.

*Those who voted in the negative were,*

Messrs. Adams, Barnett, Brookshire, Brown, Butler, Combs, Cox, Cutshaw, Greathouse, Hall, Harris, Helm, Hendry, Kightley, Meeker, Odell, Powell, Reynolds, Roberts, Robinson, Simpson, Williams, Wilson of Jay and Witherow—24.

So the amendment was not adopted.

Mr. Shook offered the following amendment:

*Provided*, No general law is enacted during the present General Assembly on the subject of the relocation of county seats.

Mr. Brown moved the previous question, which was seconded by the Senate, and the main question ordered.

The question was then taken on the adoption of Mr. Shook's amendment,

Which was decided in the negative.

The bill was then ordered to a third reading.

On motion by Mr. Humphreys,

The Senate adjourned until 2 o'clock.

2 o'clock, P. M.

The Senate assembled.

The President laid before the Senate the following communication from his excellency the Governor:

EXECUTIVE DEPARTMENT, }  
INDIANAPOLIS, Feb. 16, 1853. }

HON. A. P. WILLARD,

*President of the Senate.*

SIR:—You will please lay before the Senate the accompanying report from the State Board of Agriculture; and oblige,

Yours, very respectfully,

JOSEPH A. WRIGHT.

Which report was,

On motion by Mr. Brown,

Laid on the table and 4000 copies ordered to be printed.

By unanimous consent,

Mr. Anthony made the following report from the Judiciary committee:

MR. PRESIDENT:

The committee on the Judiciary to whom was referred Senate bill No. 69, entitled an act to amend an act to provide for the incorporation of railroad companies, approved May 11, 1852, have had the same under consideration, and instructed me to report the same back and recommend its passage.

Which report was concurred in and the bill ordered to be engrossed.

#### ORDERS OF THE DAY.

#### *Senate bills on second reading.*

No. 88. A bill to amend an act entitled "an act for the incorporation of cities," approved June 18, 1852, amending sections 8, 9, 18, 21, 29, 30, 32, 33, 45, 50, 77, 84 and 88,

Was read a second time by the title; and,

On motion by Mr. Gibson,

Referred to the committee on Corporations.

No. 89. An act to amend an act entitled "an act for the incorporation of cities," approved June 18, 1852.

Was read the second time by the title; and,

On motion by Mr. Morrison,

Referred to the committee on Corporations.

No. 90. A bill to amend section 799, of chapter 1, part second of the second volume of the Revised Statutes of 1852,

Was read the second time by the title; and,

On motion by Mr. Vandeventer,

Referred to the Judiciary committee.

No. 91. An act to amend an act entitled "an act in relation to the taxation of lands in towns and cities," approved June 18, 1852,

Was read a second time by the title; and,

On motion by Mr. Morrison,

Referred to the committee on Corporations.

No. 92. A bill to authorize and require clerks of the court of common pleas in cases where the proper record books have not been provided in time for the January term of said court for the year 1853, to transcribe from the original records into the new record when provided, and to legalize the same.

Was read the second time by the title; and,

On motion by Mr. Humphreys,

Referred to the Judiciary committee.

No. 93. An act directing satisfaction to be entered of a certain decree therein named;

Was read the second time; and,

On motion by Mr. Reynolds,

Referred to a select committee of five.

Messrs. Reynolds, Greathouse, Richardson, Vandeventer and Butler, were appointed said committee.

No. 94. A bill to repeal an act entitled "an act to authorize and regulate the business of general banking," approved May 28, 1852;

Was read the second time by the title; and,

On motion by Mr. Edwards,

Referred to the committee on Banks.

#### SENATE BILLS ON THIRD READING.

No. 73. A bill to amend the 17th section of an act entitled "an act prescribing who may make a will, and the effect thereof, what may be devised, regulating the revocation, admission to probate and contest thereof."

Was read the third time.

The question being on the passage of the bill,

*Those who voted in the affirmative were,*

Messrs. Anthony, Barnett, Barton, Brookshire, Brown, Butler, Combs, Cox, Cutshaw, Edsall, Edwards, Gant, Gibson, Glazebrook, Griggs, Gordon, Hall, Harris, Hawthorn, Helm, Hendry, Horton, Hosbrook, Humphreys, Jackson of Madison, Jackson of Tipton, Kightley, Meeker, Morrison, Odell, Powell, Reynolds, Richardson, Roberts, Robinson, Shields, Shook, Simpson, Slater, Spann, Sullivan, Vandeventer, Williams, Wilson of Jay, and Witherow—45.

No Senator voted in the negative.

So the bill passed.

Ordered that the Secretary inform the House thereof.

Mr. Shook moved to reconsider the vote taken on the passage of Senate bill

No. 51. A bill to provide for the election of a physician to the Asylums for the Deaf and Dumb and Blind, and fixing his compensation and defining his duties;

Pending which,

The following message was received from the House of Representatives by Mr. Bowes their clerk:

MR. PRESIDENT :

I am directed by the House of Representatives to inform the Senate that the House have adopted the following resolution:

*Resolved*, That the Senate be invited to attend in the Hall of the House instantler to proceed to the election of State Agent, and seats be provided on the right of the Speaker's chair.

Which was reciprocated by the Senate.

The Senate then repaired in a body to the Hall of the House of Representatives preceded by their President, and proceeded by a joint vote of the two Houses of the General Assembly, to the election of Agent of State, the President of the Senate acting as President of the convention.

*Those who voted for John M. Lord on the part of the Senate were,*

Messrs. Adams, Anthony, Barnett, Barton, Brookshire, Brown, Combs, Cox, Cutshaw, Edsall, Gant, Gibson, Glazebrook, Great house, Gordon, Hall, Hawthorn, Horton, Hosbrook, Humphreys, Jackson of Madison, Jackson of Tipton, Kightley, Morrison, Powell, Reynolds, Richardson, Robinson, Shallenberger, Shields, Shook, Slater, Spann, Sullivan and Wilson of Jay.

*Those who voted for John M. Lord on the part of the House were,*

Messrs. Able, Ballard, Brecount, Bridges, Brothwell, Brown, Buell, Bundy, Catlin, Chapin, Clark, Cooper, Donelson, Druley, Dufour, Dunlavey, Durham, Emery, Farnsley, Fleming, Gentry, Gootee, Graham, Hammond, Hamrick, Handy, Hartley, Hendricks, Henry, Henton, Hicks, Howell, Hunt, Jones of Boone, Jones of Jennings, Jones of Ripley, Lasselle, Lemmon, Lewis, Lowe, Manville, Maxfield, McCormick, McClure, McDonald of Lake, McDonnall of Sullivan, McKee, McKinney, Milroy, Moss, Parker, Price, Read, Richardson, Rockafellar, Shoemaker, Simpson, Spencer, Stackhouse, Stockwell, Struble, Sutton, Tanner, Thomas, Turpie, Underwood, Walker of Laporte, Wilson, Work, Yount and Mr. Speaker—106.

*Those who voted blank on the part of the Senate were,*

Messrs. Butler, Edwards, Griggs, Harris, Hendry, Meeker, Odell, Simpson and Williams.

*Those who voted blank on the part of the House were,*

Messrs. Burnett, Donald, Dyer, Ferris, Ferguson, Freeland, Goodman, Harris, Hooper, Jennings, Johnson, Laird, Lines, Peckenpough, Pratt, Scott, Service, Shelby, Shuman, Steele and Taber—30.

John M. Lord having received a majority of all the votes given, was by the President of the convention declared duly elected Agent of State for the term of two years from and after the expiration of the term of service of the present incumbent.

The President of the convention declared the same adjourned without day.

The Senate returned to their chamber and resumed the consideration of the motion of Mr. Shook.

Upon which the ayes and noes were demanded by Messrs. Gibson and Gordon.

*Those who voted in the affirmative were,*

Messrs. Barton, Cutshaw, Gibson, Gordon, Hawthorn, Humphreys, Jackson of Madison, Jackson of Tipton, Kightley, Morrison, Odell, Reynolds, Shallenberger, Shook, Slater, Spann, and Sullivan—18.

*Those who voted in the negative were,*

Messrs. Adams, Barnett, Brookshire, Brown, Butler, Combs, Cox, Edwards, Gant, Glazebrook, Griggs, Hall, Harris, Helm, Hendry, Horton, Hosbrook, Meeker, Powell, Richardson, Roberts, Robinson, Shields, Simpson, Vandeventer, Williams, Wilson of Jay and Witherow—28.

So the vote was not reconsidered.

No. 82. A bill to amend the 4th, 6th, 27th, 37th, 47th, 49th, 53d, 58th, 67th, 81st, 540th and 799th sections of an act entitled "an act to revise, simplify and abridge the rules, practice, pleadings and forms in civil cases in the courts of this State; to abolish distinct forms of action at law, and to provide for the administration of justice in a uniform mode of pleading and practice, without distinction between law and equity," approved June 18, 1852,

Was read the third time.

And the question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Barton, Barnett, Brookshire, Brown, Butler, Combs, Cox, Cutshaw, Edwards, Gant, Gibson, Glazebrook, Griggs, Gordon, Hall, Harris, Hawthorn, Helm, Hendry, Horton, Hosbrook, Humphreys, Jackson of Madison, Jackson of Tipton, Kightley, Meeker, Morrison, Odell, Powell, Reynolds, Robinson, Shallenberger, Shields, Shook, Simpson, Slater, Spann, Sullivan, Vandeventer, Williams, Wilson of Jay, and Witherow—43.

No Senator voted in the negative.

So the bill passed.

Ordered, that the Secretary inform the House thereof.

No. 83. A bill authorizing judges of the circuit courts and courts of common pleas to appoint master commissioners, and defining their duties and compensation,

Was read the third time.

The question being on the passage of the bill,

*Those who voted in the affirmative were,*

Messrs. Adams, Barnett, Barton, Brookshire, Brown, Butler, Combs, Cox, Cutshaw, Edwards, Gant, Gibson, Glazebrook, Griggs, Hall, Harris, Hawthorn, Helm, Hendry, Horton, Hosbrook, Humphreys, Jackson of Madison, Jackson of Tipton, Kightley, Morrison, Odell, Powell, Reynolds, Roberts, Shallenberger, Shields, Shook, Simpson, Spann, Sullivan, Vandeventer, Williams, Wilson of Jay, and Witherow—40.

So the bill passed.

Ordered that the Secretary inform the House thereof.

On motion by Mr. Shook,

Senate bill No. 36, providing for serving process upon the officers, directors, attorneys or agents of any railroad company,

Was taken from the table; when,

On motion by Mr. Shook,

The vote ordering the bill to be engrossed, was reconsidered.

On motion by Mr. Shook,

The bill was referred to a select committee of three, and Senators Shook, Shields and Spann, were appointed said committee.

#### HOUSE BILLS ON THIRD READING.

No. 84. A bill to prevent the gathering of cranberries on the public lands in the State of Indiana, before they are ripe,

Was read a third time.

The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Barnett, Brown, Butler, Cutshaw, Edwards, Gibson, Griggs, Hawthorn, Hendry, Horton, Hosbrook, Jackson of Madison, Odell, Roberts, Shallenberger, Shields, Shook, Spann, Sullivan, and Vandeventer—20.

*Those who voted in the negative were,*

Messrs. Adams, Barton, Brookshire, Cox, Gant, Greathouse, Hall, Harris, Humphreys, Jackson of Tipton, Kightley, Meeker, Morrison, Powell, Reynolds, Simpson, Williams, Wilson of Jay, and Witherow—19.

So the bill did not pass, there not being a constitutional vote therefor.

Mr. Gibson introduced the following bill:

No. 99. A bill giving the court of common pleas jurisdiction to hear and determine applications for divorce;

Which was read the first time and passed to a second reading.

Mr. Hosbrook introduced the following bill:

No. 100. A bill to amend an act providing for the appointment of deputies for certain officers, and prescribing their duties and liabilities, approved May 13, 1852;

Which was read the first time and passed to a second reading.

Mr. Morrison introduced the following bill:

No. 101. A bill to prevent the circulation, within this State, of bank notes of a less denomination than five dollars, issued without this State;

Which was read the first time and passed to a second reading.

On motion by Mr. Horton,

Leave of absence was granted Mr. Hosbrook until to-morrow.

Mr. Hendry submitted the following resolution:

*Resolved*, That the committee on the organization of courts be instructed to inquire into the expediency of so amending the fourth and 36th sections of the act organizing courts of common pleas, as to give justices of the peace concurrent jurisdiction with said court of common pleas in actions against executors and administrators, where the amount in controversy does not exceed the sum of fifty dollars.

Which was adopted.

Mr. Hawthorn submitted the following resolution:

*Resolved*, That the Secretary of State be required to forward, per

mail, one copy of each of the two volumes of the Revised Statutes to each of the clerks of the circuit courts of the several counties in this State, as soon as they are bound and ready for delivery, for the benefit of the counties.

Which was not adopted.

The following message from the House of Representatives, was taken up.

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate, that the House have passed the following resolution:

*Resolved*, That this House will, the Senate concurring, adjourn *sine die* on Monday, the 7th day of March next.

In which the concurrence of the Senate is respectfully requested.

The question being on concurring in the resolution of the House, Mr. Shook moved to strike out the "7th" and insert "1st" of March.

On motion by Mr. Spann,

The resolution and amendment were laid on the table.

Also, the following message from the House of Representatives was taken up:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House have passed the following engrossed bill of the Senate:

Bill No. 65. A bill to amend the 1st, 2d and 3d sections of an act entitled "an act for the incorporation of high schools, academies, colleges, universities, theological institutions, and missionary boards," approved May 13th, 1852, with the following engrossed amendment thereto:

In which the concurrence of the Senate is respectfully requested.

The question being on concurring in the engrossed amendment of the House to Senate bill No. 65, contained in the message,

It was agreed to.

Also, the following message from the House of Representatives was taken up:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate, that the House have passed the following engrossed bill thereof:

Bill No. 133. An act to provide for the distribution of the school fund for the year ending on the 4th Monday in March, 1853.

In which the concurrence of the Senate is respectfully requested.

Bill No. 133, contained in the message, was read the first time and ordered to a second reading.

Mr. Gibson introduced the following bill:

No. 102. A bill fixing the time of holding the courts of common pleas, and the length of the terms thereof in the several counties of the State.

Which was read the first time, and passed to a second reading.

On motion by Mr. Meeker,  
The Senate adjourned.

THURSDAY MORNING, 9 o'clock, }  
February 10, 1853. }

The Senate assembled.

On motion by Mr. Helm,

The reading of the Journal was dispensed with.

The President laid before the Senate the following communication from Geo. L. Sites, Esq., Principal Secretary of the Senate:

SENATE CHAMBER, }  
FEBRUARY 16, 1853. }

HON. A. P. WILLARD,  
*President of the Senate:*

You will please lay the accompanying report in answer to a resolution of the Senate, before the body over which you have the honor to preside.

Very respectfully,

GEO. L. SITES,  
*Secretary of the Senate.*

Which report was,

On motion by Mr. Gibson,

Laid on the table, and 150 copies ordered to be printed.

Mr. Horton, chairman of the committee on County and Township Business, made the following report:

MR. PRESIDENT:

The committee on County and Township Business, to whom was referred a resolution referring so much of the Governor's message as relates to county and township business to said committee, have had the same under consideration, and believing it inexpedient to legislate upon the subject, request to be discharged from further consideration of the subject.

Which was concurred in.

Mr. Hawthorn introduced the following bill:

No. 103. A bill to increase the salary and amount of bond of State Librarian;

Which was read the first time and passed to a second reading.

By unanimous consent,

Mr. Odell submitted the following resolution:

*Resolved*, That the committee on the Judiciary inquire into the expediency of amending section 66, of chapter 10, of the second volume of the Revised Code of 1852, an act providing for the settlement of decedents' estates, &c., so that executors and administrators will have power to allow claims on the affidavit of the claimant, and report by bill or otherwise.

Which was adopted.

#### ORDERS OF THE DAY.

##### *Senate Bills on Second Reading.*

No. 95. A bill fixing the salary of the private secretary of the Governor;

Was read the second time and ordered to be engrossed.

No. 96. A bill amendatory of, and supplemental to an act entitled "an act to incorporate the Indiana Cotton Mills," approved February 15, 1848:

Was read the second time by the title; and,

On motion by Mr. Horton,

Referred to the committee on Corporations.

No. 97. A bill for the preservation of newspapers in county auditors' offices, published in each county;

Was read the second time, and,

On motion by Mr. Horton,

Referred to the committee on County and Township Business.

No. 98. A bill to fix the time for holding the circuit courts in the 8th judicial circuit;

Was read the second time and ordered to be engrossed.

No. 99. A bill giving the court of common pleas jurisdiction to hear and determine applications for divorce;

Was read the second time and ordered to be engrossed.

No. 100. A bill to amend an act providing for the appointment of deputies for certain officers, and prescribing their duties and liabilities, approved May 13, 1852.

Was read the second time; and,

On motion by Mr. Butler,

Referred to the Judiciary committee.

No. 101. A bill to prevent the circulation within this State, of bank notes of a less denomination than five dollars, issued without this State.

Was read a second time; and,

On motion by Mr. Morrison,

Referred to the committee on Banks.

No. 102. A bill fixing the time of holding the courts of common pleas and the length of the terms thereof in the several counties of the State.

Was read the second time by the title; and,

On motion by Mr. Gibson,

Referred to a committee of the whole Senate and made the special order for Monday next at 2 o'clock P. M.

On motion by Mr. Gibson,

The vote laying the report of the President of the State Board of Agriculture on the table, was reconsidered, and referred to the committee on Agriculture.

House bill No. 133. A bill to provide for the distribution of the school fund for the year ending on the 4th Monday in March, 1853.

Was read the second time by the title; and,

On motion by Mr. Gibson,

Referred to the committee on Education.

#### SENATE BILLS ON THIRD READING.

No. 69. A bill to amend an act to provide for the incorporation of railroad companies, approved May 11, 1852.

Was read the third time,

The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Adams, Anthony, Barnett, Barton, Brookshire, Brown, Butler, Combs, Cox, Cutshaw, Edwards, Gant, Gibson, Glazebrook, Griggs, Gordon, Hawthorn, Helm, Hendry, Horton, Humphreys, Jackson of Madison, Jackson of Tipton, Kightley, Meeker, Odell, Powell, Reynolds, Richardson, Robinson, Shallenberger, Shook,

Simpson, Slater, Sullivan, Williams, Wilson of Harrison, Wilson of Jay and Witherow—39.

Mr. Morrison voted in the negative.

So the bill passed.

Ordered, that the Secretary inform the House thereof.

No. 75. A bill to authorize county treasurers to sell delinquent lands in certain cases to the highest bidder.

Was read a third time.

Mr. Wilson of Harrison moved to recommit to the committee on Finance, with instructions to strike out 2, and insert in lieu thereof 5 years.

Which was not agreed to.

The question being on the passage of the bill.

*Those who voted in the affirmative were,*

Messrs. Anthony, Barnett, Barton, Brookshire, Brown, Combs, Cox, Cutshaw, Edsall, Edwards, Gant, Gibson Glazebrook, Great-house, Hall, Hawthorn, Helm, Hendry, Horton, Humphreys, Jackson of Madison, Jackson of Tipton, Kightley, Meeker, Morrison, Odell, Powell, Reynolds, Robinson, Shallenberger, Simpson, Sullivan, Vandeventer, Williams, Wilson of Jay and Witherow—36.

*Those who voted in the negative were,*

Messrs. Butler, Griggs, Gordon, Shook, Spann, Wilson of Harrison—6.

Mr. Harris was excused from voting.

So the bill passed.

Ordered that the Secretary inform the House thereof.

No. 47. A bill to authorize the relocation of the seat of justice of the county of Clay, and to authorize the receiving of subscriptions and donations for the erection of the public buildings in said county,

Was read a third time.

The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Adams, Barnett, Brookshire, Brown, Butler, Combs, Cox, Cutshaw, Edsall, Edwards, Greathouse, Griggs, Hall, Harris, Hawthorn, Helm, Jackson of Madison, Kightley, Meeker, Odell, Powell, Richardson, Robinson, Shallenberger, Shields, Simpson, Vandeven-

ter, Williams, Wilson of Harrison, Wilson of Jay and Witherow—31.

*Those who voted in the negative were,*

Messrs. Gant, Gibson, Glazebrook, Gordon, Horton, Humphreys, Jackson of Tipton, Morrison, Shook, Slater, Spann and Sullivan—12.

So the bill passed.

Ordered that the Secretary inform the House thereof.

House bill No. 101. A bill to amend an act entitled "an act authorizing the construction of plank, McAdamized and gravel roads," approved May 12, 1852,

Was read a third time.

And the question being on the passage of the bill,

*Those who voted in the affirmative were,*

Messrs. Anthony, Barnett, Barton, Brookshire, Brown, Butler, Combs, Cox, Cutshaw, Edsall, Edwards, Gant, Gibson, Glazebrook, Griggs, Gordon, Hall, Harris, Hawthorn, Helm, Hendry, Horton, Humphreys, Jackson of Madison, Jackson of Tipton, Kightley, Meeker, Morrison, Odell, Powell, Richardson, Roberts, Robinson, Shallenberger, Shook, Sullivan, Vandeventer, Williams, Wilson of Harrison, Wilson of Jay and Witherow—41.

*Those who voted in the negative were,*

Messrs. Shields, Simpson, Slater and Spann—4.

So the bill passed.

Ordered that the Secretary inform the House thereof.

Also, the following message from the House of Representatives was taken up:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House has passed the following engrossed bills of the Senate:

Bill No. 7. A bill to authorize railroad companies to connect with railroads in an adjoining State, to consolidate their capital stock, and to authorize railroads to construct roads they may have surveyed and located.

Bill No. 43. A bill to repeal part of the first section of an act

to amend an act to incorporate the Lake Michigan, Logansport, and Ohio River Railroad company,

With the following engrossed amendments thereto :

In which the concurrence of the Senate is respectfully requested.

The question being on concurring in the engrossed amendments of the House to Senate bill No. 7, contained in the message :

On motion by Mr. Brown,

They were considered separately.

The first and second engrossed amendments were concurred in.

The question being on concurring in the third engrossed amendment of the Senate,

The ayes and noes were demanded by Senators Gibson and Shields.

*Those who voted in the affirmative were,*

Messrs. Anthony, Barton, Combs, Cutshaw, Edsall, Gant, Gibson, Greathouse, Griggs, Hall, Harris, Jackson of Madison, Jackson of Tipton, Morrison, Odell, Powell, Reynolds, Richardson, Shook, Slater, Sullivan, and Wilson of Harrison—22.

*Those who voted in the negative were,*

Messrs. Brookshire, Brown, Butler, Cox, Glazebrook, Gordon, Hawthorn, Helm, Hendry, Horton, Kightley, Meeker, Robinson, Shields, Simpson, Spann, Williams, Wilson of Jay, and Witherow—19.

So the amendment was concurred in.

The question being on concurring in the 4th engrossed amendment of the House,

On motion by Mr. Shields,

A call of the Senate was ordered.

The Secretary proceeded with the call, when the following Senators answered to their names :

Messrs. Anthony, Barnett, Barton, Brookshire, Brown, Butler, Combs, Cox, Cutshaw, Edsall, Edwards, Gant, Gibson, Glazebrook, Greathouse, Griggs, Gordon, Hall, Harris, Hawthorn, Helm, Hendry, Horton, Humphreys, Jackson of Madison, Jackson of Tipton, Kightley, Meeker, Morrison, Odell, Powell, Reynolds, Richardson, Roberts, Robinson, Shallenberger, Shields, Shook, Simpson, Slater, Spann, Sullivan, Vandeventer, Wilson of Harrison, Wilson of Jay, and Witherow—47.

Mr. Shields moved that the Senate adjourn;

Which was decided in the negative.

On motion by Mr. Brown,  
The further call was suspended.

Mr. Cutshaw moved to reconsider the vote on concurring.

Upon which the ayes and noes were demanded by Messrs. Gibson and Shields.

*Those who voted in the affirmative were,*

Messrs. Brookshire, Brown, Butler, Combs, Cox, Cutshaw, Gordon, Hawthorn, Helm, Hendry, Horton, Kightley, Meeker, Robinson, Shields, Simpson, Spann, Vandeventer, Williams, Wilson of Harrison, Wilson of Jay and Witherow—22.

*Those who voted in the negative were,*

Messrs. Anthony, Barnett, Barton, Edsall, Edwards, Gant, Gibson, Glazebrook, Greathouse, Griggs, Hall, Humphreys, Jackson of Madison, Jackson of Tipton, Morrison, Odell, Powell, Reynolds, Richardson, Roberts, Shallenberger, Shook, Slater and Sullivan—24.

So the vote was not reconsidered.

On motion by Mr. Brown,  
The Senate adjourned.

2 o'clock, P. M.

The Senate assembled.

The consideration of the House amendments to Senate bill No. 7, was resumed.

The question being on concurring in the 5th amendment of the House.

The ayes and noes were demanded by Senators Gibson and Brown.

*Those who voted in the affirmative were,*

Messrs. Anthony, Barnett, Barton, Cutshaw, Edsall, Edwards, Gant, Greathouse, Hall, Humphreys, Jackson of Madison, Jackson of Tipton, Meeker, Morrison, Powell, Richardson, Roberts, Shook, Slater, Spann and Sullivan—21.

*Those who voted in the negative were,*

Messrs. Brookshire, Brown, Butler, Combs, Cox, Gibson, Glazebrook, Griggs, Gordon, Harris, Hawthorn, Helm, Hendry, Horton, Hosbrook, Kightley, Odell, Reynolds, Robinson, Shallenberger, Shields, Simpson, Vandeventer, Williams, Wilson of Harrison, Wilson of Jay and Witherow—27.

So it was not concurred in.

The 6th amendment of the House was concurred in.

The amendments to bill No. 45, contained in the message were concurred in by the Senate.

The following message was received from the House of Representatives by Mr. Bowes their clerk:

**MR. PRESIDENT:**

I am directed by the House of Representatives to inform the Senate that the House have passed the following engrossed bills of the Senate without amendment:

No. 23. A bill to amend an act entitled "an act prescribing the duties of Treasurer of State," approved May 20th, 1852.

No. 56. An act to amend section 1st and section 12th of an act entitled "an act to authorize the construction of levees and drains.

No. 63. A bill to repeal section 3 of an act entitled "an act touching vacancies in office, and filling the same by appointment," approved May 13, 1852.

Also the following message was received from the House of Representatives:

**MR. PRESIDENT:**

I am directed by the House of Representatives to inform the Senate that the House have concurred in the engrossed amendment of the Senate to House bill No. 72:

Bill No. 72. A bill providing for the compensation of township assessors.

The following message from the House of Representatives was taken up:

**MR. PRESIDENT:**

I am directed by the House of Representatives to inform the Senate that the House have passed the following engrossed bills thereof to-wit:

Bill No. 114. An act for the relief of Henry Pittenger of Delaware county, and prescribing the duties of the auditor of said county in relation thereto.

Bill No. 124. An act to provide for the selection and empanneling of petit jurors in the court of common pleas, and providing compensation therefor, being supplemental to an act entitled "an act prescribing the manner of empanneling petit jurors, the number and compensation thereof," approved May 20, 1852.

Bill No. 140. An act to correct and define more correctly the boundary line between the counties of Warrick and Spencer.

In which the concurrence of the Senate is respectfully requested.

Bills No. 114, 124 and 140, contained in the message, were each read the first time and ordered to a second reading.

Mr. Helm submitted the following resolution:

*Resolved*, That the committee on Education be instructed to inquire into the expediency of so altering or amending the common school law, that the inhabitants of any school district in this State may, a majority of said inhabitants so voting, have the German instead of the English language taught in said schools.

Which was adopted.

Mr. Hendry introduced

No. 104. A bill to amend the 4th section of an act prescribing the duties and fixing the compensation of State Agent, approved June 17, 1852,

Which was read the first time and passed to a second reading.

Mr. Griggs made the following report from the Judiciary committee:

MR. PRESIDENT:

The committee on the organization of Courts to which was referred a resolution, instructing said committee to inquire into the expediency of amending the act creating the courts of common pleas, so as to give said court jurisdiction in all cases where the amount in controversy does not exceed one thousand dollars; also, as to extending the selecting and empanneling travers jurors to said courts, and authorizing the judges thereof to administer oaths, have directed me to report that it is inexpedient to legislate on said subjects, have directed me to report the following bill or so much of said resolution as refers to giving the courts of common pleas concurrent jurisdiction with justices of the peace in actions of forcible entry and detainer, and recommend its passage.

No. 105. A bill giving the courts of common pleas concurrent jurisdiction with justices of the peace, in actions of forcible entry and detainer, and against tenants holding over,

Which was read the first time and passed to a second reading.

## PETITIONS, MEMORIALS AND REMONSTRANCES.

By Mr. Barton:

The petition of sundry citizens of this State upon the subject of temperance,

Which was referred to the committee on that subject.

By Mr. Edsall:

The petition of sundry citizens of Marion county, praying a modification of the common school law,

Which was,

On motion,

Referred to the committee on Education.

By Mr. Edsall:

The petition of sundry Germans of Lafayette, on the subject of education,

Which was,

On motion,

Referred to the committee on that subject.

By Mr. Edsall:

The petition of sundry German citizens of Bartholomew county, asking the modification of the common school law,

Which was,

On motion,

Referred to the committee on Education.

By Mr. Edsall:

The petition of numerous German citizens of Whitley county, on the subject of education,

Which was,

On motion,

Referred to the committee on that subject.

By Mr. Edsall:

The petition of sundry German citizens of Jackson township, Hamilton county, on the subject of common schools,

Which was,

On motion,

Referred to the committee on Education.

Mr. Edsall made the following report, from a committee of free conference:

MR. PRESIDENT:

The committee of Free Conference, to whom was referred the matters of disagreements arising out of the engrossed amendments

of the Senate to bill of the House No. 37, a bill to change the time of holding circuit courts in the tenth judicial circuit, have had the subject under consideration, and unanimously agree that the House recede from their disagreement and concur in the second engrossed amendment of the Senate, and that the House concur in the first engrossed amendment of the Senate, with the following amendment:

Strike out all after the word "following," and insert as follows:

"The courts in the county of Wells shall commence on the first Monday of February and the third Monday of August in each year; in the county of Adams on Monday succeeding the courts in the county of Wells; in the county of Allen on Monday succeeding the courts in the county of Adams; in the county of Whitley on Monday succeeding the courts in the county of Allen."

Which was concurred in by the Senate.

By Mr. Hendry:

The petition of Rufus Beall, on the subject of apprehending fugitives from justice;

Which was,

On motion,

Referred to the committee on Claims.

The following message was received from the House of Representatives:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the Speaker has signed the following enrolled bill of the House:

No. 72. An act providing for the compensation of township assessors.

Which I am directed to bring to the Senate for the signature of the President thereof.

Whereupon the President affixed his signature thereto.

On motion by Mr. Meeker,

Senate bill No. 28, a bill to amend the second section of an act entitled "an act to provide for a general and uniform system of common schools and school libraries, and matters properly connected therewith," approved June 14, 1852,

Was taken up and read, and,

On motion by Mr. Gibson,

Laid on the table.

Mr. Gibson moved to reconsider the vote taken on concurring in the 5th engrossed amendment of the House to Senate bill No. 7, contained in the message.

Pending which,

On motion by Mr. Anthony,

A call of the Senate was ordered.

The Clerk proceeded to the call, when the following Senators answered to their names:

Messrs. Anthony, Barnett, Barton, Brookshire, Brown, Butler, Combs, Cox, Cutshaw, Edsall, Edwards, Gant, Gibson, Glazebrook, Greathouse, Griggs, Gordon, Hall, Harris, Hawthorn, Helm, Hendry, Horton, Hosbrook, Humphreys, Jackson of Madison, Jackson of Tipton, Kightley, Meeker, Morrison, Odell, Powell, Reynolds, Richardson, Roberts, Robinson, Shallenberger, Shields, Shook, Simpson, Slater, Spann, Sullivan, Vandeventer, Williams, Wilson of Harrison, Wilson of Jay, and Witherow—48.

When,

On motion by Mr. Shook,  
The further call was suspended.

The question being on reconsidering the vote,  
The ayes and noes were demanded by Senators Gibson and Slater.

*Those who voted in the affirmative were,*

Messrs. Anthony, Barnett, Barton, Butler, Cutshaw, Edsall, Edwards, Gant, Gibson, Glazebrook, Greathouse, Gordon, Hall, Humphreys, Jackson of Madison, Meeker, Morrison, Odell, Powell, Reynolds, Richardson, Roberts, Shallenberger, Shook, Slater, Spann, Sullivan, and Wilson of Harrison—28.

*Those who voted in the negative were,*

Messrs. Brookshire, Brown, Combs, Cox, Griggs, Harris, Hawthorn, Helm, Hendry, Horton, Hosbrook, Jackson of Tipton, Robinson, Shields, Simpson, Vandeventer, Williams, Wilson of Jay, and Witherow—19.

So the vote was reconsidered.

The question recurring on concurring in the engrossed amendment of the House,

The ayes and noes were demanded by Senators Gibson and Slater.

*Those who voted in the affirmative were,*

Messrs. Anthony, Barnett, Barton, Cutshaw, Edsall, Edwards, Gant, Gibson, Glazebrook, Greathouse, Hall, Humphreys, Jackson of Madison, Jackson of Tipton, Meeker, Morrison, Odell, Powell, Richardson, Roberts, Shook, Slater, Spann, Sullivan, Wilson of Harrison, and Witherow—26.

*Those who voted in the negative were,*

Messrs. Brookshire, Brown, Combs, Cox, Griggs, Harris, Hawthorn, Helm, Hendry, Horton, Hosbrook, Robinson, Shallenberger, Shields, Simpson, Vandeventer, Williams, and Wilson of Jay—18.

So the amendment of the House was concurred in.

On motion by Mr. Gibson,  
The Senate adjourned.

FRIDAY MORNING 9 o'clock, }  
February 18, 1853. }

The Senate assembled.

On motion by Mr. Anthony,  
The reading of the journal was dispensed with.

#### REPORTS FROM COMMITTEES.

By Mr. Richardson, chairman of the committee on Corporations:

MR. PRESIDENT:

The committee on Corporations, to which was referred Senate bill No. 52, a bill to prevent railroad companies from establishing depots or laying tracks nearer than six hundred yards to streams usually navigated by steamboats in, at or near any incorporated city of 2500 inhabitants, situate on such stream without the consent of the common council of such city, have had the same under consideration. I am directed to report the bill back to the Senate without amendment, and to recommend that it be laid on the table.

Which was concurred in by the Senate, and the bill laid on the table.

By Mr. Morrison, from the committee on Corporations:

MR. PRESIDENT:

The committee on Corporations, to which was referred Senate

bill No. 89, an act to amend an act for the incorporation of cities, have had the same under consideration, and have directed me to return the bill with the following amendment:

Strike out the word "but" where it occurs before the word "lectures," and insert, "provided that," and when so amended, the committee respectfully recommend its passage.

Which report was concurred in, the amendments adopted, the bill read the second time, and ordered to be engrossed.

By Mr. Edwards, from the committee on Corporations:

MR. PRESIDENT:

The committee on Corporations, to which was referred bill of the Senate No. 96, a bill amendatory of, and supplemental to an act entitled "an act to incorporate the Indiana Cotton Mills," approved February 15, 1848, have had the same under consideration, and have directed me to report the same back to the Senate, and to respectfully recommend its passage.

Which was concurred in, the bill read a second time and ordered to be engrossed.

By Mr. Simpson, from the committee on Corporations:

MR. PRESIDENT:

The committee on Corporations, to whom was referred House bill No. 97, entitled "an act amendatory of the second section of an act for the incorporation of cities," approved June 18, 1852, and for a more economical method of ascertaining the population of such cities, preparatory to the adoption of the provisions of the act herein mentioned, of June 18, 1852, have had the same under consideration, and have instructed me to report the same back to the Senate and recommend its passage.

Which was concurred in by the Senate, the bill read the second time and ordered to a third reading.

By Mr. Adams, chairman of the committee on Claims:

MR. PRESIDENT:

The committee on Claims, to whom was referred a resolution of the Senate, instructing said committee to inquire into the expediency of so amending section 14, of the estray laws, as to designate the value of the property which shall require printing, and to give to the justice of the peace a limited time to report such property to the county clerk, have had the subject under consideration and directed me to report that the objects contemplated in said resolution are already provided for in sections 5 and 6 of the estray laws,

and that in their opinion further legislation on this subject is unnecessary.

Which report was concurred in.

#### RESOLUTIONS.

On motion by Mr. Shields,

*Resolved*, That the committee on the Judiciary be instructed to report a bill carrying into effect the 9th article, 2d section, of the constitution, relative to establishing houses of refuge.

On motion by Mr. Reynolds,

*Resolved*, That when the Senate adjourn, it adjourn until to-morrow morning.

#### BILLS INTRODUCED.

By Mr. Gordon:

No. 106. A bill to amend an act entitled an act regulating the fees of officers, approved June 16, 1852.

Which was read the first time and passed to a second reading.

By Mr. Jackson of Tipton:

No. 107. A bill to amend an act entitled an act regulating the fees of officers, approved June 16, 1852,

Which was read the first time and passed to a second reading.

On motion by Mr. Hall,

Leave of absence was granted Mr. Powell until Monday next.

#### ORDERS OF THE DAY.

##### *Senate Bills on Second Reading.*

No. 104. A bill to amend the 4th section of an act prescribing the duties and fixing the compensation of State Agent, approved June 17, 1852,

Was read the second time; and,

On motion by Mr. Humphreys,

Referred to the Judiciary committee.

On motion by Mr. Gibson,

Senate bill No. 64, a bill regulating escheated estates,

Was taken from the table and read the second time.

Mr. Cox offered the following amendment :

Strike out the words, "but such claimant shall pay all costs of such rehearing."

Which was not adopted.

The bill was then ordered to be engrossed.

On motion by Mr. Gordon,

Senate bill No. 34, a bill to provide for the election of delegates to the State Board of Agriculture,

Was taken from the table.

The question being on the engrossment of the bill.

The ayes and noes were demanded by Senators Gibson and Gordon.

*Those who voted in the affirmative were,*

Messrs. Anthony, Barnett, Barton, Butler, Cox, Edsall, Edwards, Gant, Gibson, Greathouse, Griggs, Gordon, Harris, Hendry, Jackson of Madison, Jackson of Tipton, Odell, Powell, Reynolds, Robinson, Shallenberger, Shook, Slater, Spann, Vandeventer, Williams, and Witherow—27.

*Those who voted in the negative were,*

Messrs. Adams, Brookshire, Brown, Combs, Cutshaw, Glazebrook, Hall, Helm, Horton, Humphreys, Kightley, Meeker, Morrison, Roberts, Simpson and Wilson of Jay—16.

So the bill was ordered to be engrossed.

No. 103. A bill to increase the salary, and amount of bond of State Librarian.

Was read the second time by the title; and,

On motion by Mr. Gibson,

Referred to the committee on Finance.

No. 105. A bill giving the courts of common pleas concurrent jurisdiction with justices of the peace in actions of forcible entry and detainer, and against tenants holding over.

Was read the second time by the title; and,

On motion by Mr. Gibson,

Referred to the Judiciary committee.

No. 140. A bill to correct the boundary line between the counties of Warrick and Spencer.

Was read the second time by its title; and,

On motion by Mr. Roberts,

Referred to a select committee of three.

Senators Roberts, Morrison and Barton were appointed said committee.

No. 24. A bill to provide for the selection and impanneling of petit jurors in the courts of common pleas, and providing compensation therefor, being supplemental to an act, entitled "an act prescribing the manner of impanneling petit jurors, the number and compensation thereof," approved May 20, 1852.

Was read a second time by its title; and,

On motion by Mr. Gibson,

Referred to the committee on the Organization of Courts.

By unanimous consent,

Mr. Gibson introduced the following resolution:

*Resolved*, That the committee on the Judiciary be instructed to inquire whether, under the 28th section of the 4th article of the constitution, the laws will be in force in any county until they are circulated in all the counties of the State, and if so, whether some means should not be provided by the Legislature for determining and publishing the time when such laws shall take effect.

Which was adopted.

House bill No. 114. A bill for the relief of Henry Pettinger of Delaware county, and prescribing the duties of auditor of said county in relation thereto.

Was read the second time by the title: and,

On motion by Mr. Humphreys,

Referred to a select committee of five,

Senators Humphreys, Vandeventer, Gant, Wilson of Jay and Horton, were appointed said committee.

#### SENATE BILLS ON THIRD READING.

On motion by Mr. Odell,

Senate bill No. 45, a bill to amend section 23 of an act to provide for the valuation and assessment of the real and personal property, and the collection of taxes in the State of Indiana, for the election of township assessors, and prescribing the duties of assessors, appraisers of real property, county treasurers and auditors, and the Treasurer and Auditor of State, approved January 21, 1852, was taken from the table.

The question being on the passage of the bill,

*Those who voted in the affirmative were,*

Messrs. Barnett, Brown, Combs, Gibson, Greathouse, Griggs, Gordon, Hall, Harris, Hawthorn, Hendry, Horton, Jackson of Madison, Jackson of Tipton, Kightley, Meeker, Odell, Reynolds, Robinson, Shallenberger, Shook, Slater, Williams, Wilson of Jay and Witherow  
—25.

*Those who voted in the negative were,*

Messrs. Adams, Anthony, Barton, Brookshire, Butler, Cox, Cutshaw, Edsall, Gant, Glazebrook, Humphreys, Richardson, Shields, Simpson, Spann, Sullivan, and Vandeventer—17.

So the bill did not pass for the want of a constitutional majority therefor.

No. 99. A bill giving the court of common pleas jurisdiction to hear and determine applications for divorce.

Was read a third time,

And the question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Adams, Anthony, Barnett, Barton, Brookshire, Brown, Butler, Combs, Cutshaw, Edsall, Gibson, Glazebrook, Greathouse, Gordon, Hawthorn, Hendry, Horton, Humphreys, Jackson of Madison, Kightley, Meeker, Odell, Reynolds, Richardson, Roberts, Shook, Slater, Spann, Vandeventer, Williams, Wilson of Jay, and Witherow—32.

*Those who voted in the negative were,*

Messrs. Cox, Hall, Harris, Jackson of Tipton, Robinson, Shallenberger, Shields, Simpson, and Sullivan—11.

So the bill passed.

Ordered that the Secretary inform the House thereof.

No. 95. A bill fixing the salary of the private Secretary of the Governor.

Was read a third time,

The question being on the passage of the bill.

*Those who voted in the affirmative were,*

Messrs. Adams, Anthony, Barnett, Barton, Brown, Combs, Cox, Cutshaw, Edsall, Edwards, Gibson, Greathouse, Gordon, Hall, Hawthorn, Horton, Humphreys, Jackson of Madison, Jackson of Tipton, Odell, Reynolds, Richardson, Roberts, Shallenberger, Shields, Slater, Spann, Sullivan and Wilson of Jay—29.

*Those who voted in the negative were,*

Messrs. Butler, Gant, Glazebrook, Griggs, Harris, Hendry, Kightley, Meeker, Robinson, Shook, Simpson, Vandeventer, Williams and Witherow—14.

So the bill passed.

Ordered that the Secretary inform the House thereof.

No. 98. A bill to fix the time of holding the circuit courts in the 8th judicial circuit.

Was read the third time: and,

On motion by Mr. Reynolds,

Laid on the table.

Mr. Shook moved to take up House bill No. 25, a bill to provide for the enumeration of all white male inhabitants over the age of 21 years in the State of Indiana for the year 1853, and pay the officers for taking the same, which had failed to pass, there not being a constitutional vote therefor.

The question then being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Adams, Barnett, Barton, Brookshire, Brown, Combs, Cox, Cutshaw, Edsall, Edwards, Gant, Glazebrook, Greathouse, Gordon, Harris, Hawthorn, Hendry, Horton, Humphreys, Jackson of Madison, Jackson of Tipton, Kightley, Meeker, Roberts, Shallenberger, Shields, Shook, Simpson, Spann, Sullivan, Vandeventer, Williams, and Wilson of Jay—33.

*Those who voted in the negative were,*

Messrs. Anthony, Butler, Griggs, Hall and Witherow—5.

So the bill passed.

On motion by Mr. Shook,

The title of the bill was amended by striking out the words 'and pay the officers for taking the same.'

Ordered that the Secretary inform the House of the passage of the bill.

Mr. Jackson of Madison introduced the following bill:

No. 108. A bill to repeal certain sections of the law incorporating the town of Cleveland, in Hancock county,

Which was read the first time and passed to a second reading.

Mr. Jackson of Madison introduced the following bill:

No. 109. A bill authorizing railroad companies to change their names;

Which was read the first time and passed to a second reading.

Mr. Barnett introduced the following bill:

No. 110. A bill to authorize the president of any railroad company to select any swamp or wet lands within five miles of their respective roads, and to provide the time within which said lands shall be paid for;

Which was read the first time and passed to a second reading.

Mr. Greathouse, chairman of the committee on Federal Relations, submitted the following report:

MR. PRESIDENT:

The committee on Federal Relations, to whom was referred the resolution of the Senate referring so much of the Governor's message as relates to African colonization to said committee, have had that subject under consideration, and the majority of said committee have instructed me to report the following bill, without any recommendation.

No. 111. A bill providing for the colonization of free negroes, making appropriations therefor, and the establishment of a colonization agency;

Which was read the first time and passed to a second reading.

Mr. Greathouse, chairman of the committee on Federal Relations, submitted the following report:

MR. PRESIDENT:

The committee on Federal Relations, to whom was referred House bill No. 80, with reference to agents employed to transmit fugitives from justice, have had that subject under consideration, and have instructed me to report the same back without amendment, and respectfully recommend its passage.

Which report was concurred in, the bill read a second time and ordered to a third reading.

Mr. Greathouse, chairman of the committee on Federal Relations, also made the following report:

MR. PRESIDENT:

The majority of the committee on Federal Relations, to whom was referred joint resolution No. 11, respecting the duty upon railroad iron, have had that subject under consideration, and have instructed me to report the same back without amendment, and respectfully recommend its passage.

Which report was concurred in, and the joint resolution ordered to be engrossed.

Mr. Jackson of Tipton presented two memorials on the subject of temperance;

Which were,

On motion,

Referred to the committee on that subject.

Mr. Sullivan, chairman of the committee on Finance, submitted the following report:

MR. PRESIDENT:

The committee on Finance, to whom was referred Senate bill No. 72, "a bill to require county commissioners to perform certain duties in relation to the refunding of taxes wrongfully assessed and collected," have had the same under consideration, and direct [me to report] the same back without amendment, and recommend its passage.

The bill was read a second time and ordered to be engrossed.

Mr. Cox, chairman of the committee on Enrolled Bills, made the following report:

MR. PRESIDENT:

The committee on Enrolled Bills have compared the enrolled with the engrossed copy of bill No. 32, a bill to amend an act entitled "an act prescribing the duties of Treasurer of State," approved May 20, 1852, and find the same correctly enrolled.

Also, bill No. 56, a bill to amend section 1st and section 12th of an act entitled an act to authorize the construction of levees and drains, and find the same correctly enrolled.

Also, bill No. 63, a bill to repeal section three of an act entitled "an act touching vacancies in office and filling the same by appointment," approved May 13, 1852, and find the same correctly enrolled.

Mr. Witherow introduced the following bill:

No. 112. A bill providing for the sale of the southwest square No. 25, in the city of Indianapolis, subject to an unexpired lease of ten years.

Which was read the first time and passed to a second reading.

On motion by Mr. Gibson,

Senate bill No. 10, a bill to authorize alien friends to take lands by descent or devise, and releasing to such alien friends the interest of the State in lands heretofore escheated, upon condition of their removing to this State, or selling and conveying such lands to some citizen of this State, and providing for the appointment of guardians for such alien friends when minors,

Was taken from the table, when

Mr. Gibson submitted the following amendment:

Amend by inserting in the 1st section, after the words "native born citizens," the words, "whether the ancestor or devisor was an alien or citizen."

Which was adopted.

And the question being, shall the bill be engrossed?

The ayes and noes were demanded by Senators Gibson and Shields.

*Those who voted in the affirmative were,*

Messrs. Adams, Barnett, Barton, Combs, Edsall, Gant, Gibson, Greathouse, Gordon, Hall, Harris, Hawthorn, Humphreys, Jackson of Madison, Kightley, Odell, Reynolds, Richardson, Roberts, Shallenberger, Shook, Slater and Witherow—22.

*Those who voted in the negative were,*

Messrs. Brookshire, Brown, Butler, Cox, Cutshaw, Edwards, Glazebrook, Griggs, Hendry, Horton, Meeker, Morrison, Robinson, Shields, Simpson, Spann, Sullivan, Vandeventer, Williams and Wilson of Jay—20.

So the bill was ordered to be engrossed.

Mr. Robinson introduced the following bill:

No. 113. A bill to repeal an act entitled "an act supplemental to an act entitled an act to provide for the incorporation of railroad companies," approved June 18, 1852,

Which was read a first time and passed to a second reading.

On motion by Mr. Horton,

The Senate adjourned.

SATURDAY MORNING, 9 o'clock, }  
February 19th, 1853. }

The Senate assembled.

On motion by Mr. Odell,

The reading of the journal was dispensed with.

#### PETITIONS, MEMORIALS AND REMONSTRANCES.

By Mr. Shook:

The petition of Frederick Hermann, and two other citizens of Ripley county, praying the incorporation of a church;

Which was,

On motion,

Referred to the committee on the Judiciary.

By Mr. Simpson:

The remonstrance of sundry citizens of this State upon the subject of temperance.

Which was,

On motion,

Referred to the committee on that subject.

#### REPORTS FROM COMMITTEES.

By Mr. Kightly chairman of the committee on Roads:

MR. PRESIDENT:

The committee to whom was referred Senate bill No. 80, a bill to prevent any person from riding or driving over bridges of 70 feet span and upwards, faster than a walk, have had the same under consideration, and a majority of said committee have instructed me to report the same back with the following amendments, and when so amended, to recommend its passage:

Amend section 1 so as to read as follows:

*Be it enacted by the General Assembly of the State of Indiana,*  
That any person riding or driving faster than a walk over any bridge of 40 feet span, shall be deemed guilty of an unlawful act, and upon conviction thereof, shall be fined \$5,00, to go to the school fund of the county in which said fine shall have been assessed.

Amend section 2 so as to read as follows:

The supervisor in whose district any such bridge is located, shall place upon each end of such bridge, a board upon which shall be inscribed the following words: "Five dollars fine for riding or driving over this bridge faster than a walk," such board to be paid for out of the county treasury.

Change section 2 to section 3.

Which report was concurred in,

The amendments adopted and the bill read the second time and ordered to be engrossed.

By Mr. Horton, chairman of the committee on County and Township business:

MR. PRESIDENT:

The committee on County and Township Business to whom was referred House bill No. 90, an act to amend the 19th section of an act entitled "an act for the more uniform mode of doing township business," approved May 6th, 1852, have had the same under consideration, and have directed me to report the bill back and recommend its passage.

Which report was concurred in,

The bill read the second time and ordered to be engrossed.

By Mr. Horton, chairman of the committee on County and Township Business :

MR. PRESIDENT :

The committee on County and Township Business, to whom was referred Senate bill No. 97, relative to the preservation of newspapers in county auditors' offices, published in each county, have had the same under consideration, and have directed me to report the bill back, respectfully recommending its passage, and ask to be discharged from the further consideration thereof.

Which report was concurred in by the Senate, the bill read the second time, and ordered to be engrossed.

By Mr. Roberts, chairman of a select committee :

MR. PRESIDENT :

The select committee, to whom was referred House bill No. 140, a bill to correct and define more correctly the boundary line between the counties of Warrick and Spencer, have had the same under consideration, and recommend me to report the same back without amendment, and recommend its passage.

Which was concurred in by the Senate, and the bill ordered to a third reading.

#### RESOLUTIONS.

On motion by Mr. Hendry,

*Resolved*, That the committee on the Organization of Courts be instructed to inquire into the expediency of prohibiting the clerks of the circuit court and court of common pleas from practising law in their respective courts, and report by bill or otherwise.

On motion by Mr. Shields,

*Resolved*, That the Judiciary committee be instructed to inquire into the expediency of amending the criminal law, so that the jury shall find only as to the guilt or innocence of the prisoner, and the judge shall, in his discretion, name the punishment.

Mr. Odell introduced the following bill :

No. 114. A bill to amend section 3 of chapter 3 of the third part of the second volume of the Revised Statutes of 1852, of an act to provide for the election and certain of the duties of prosecuting and district attorneys.

Which was read a first time and passed to a second reading.

## ORDERS OF THE DAY.

*Senate bills on second reading.*

No. 106. A bill to amend an act entitled an act regulating the fees of officers, approved June 16, 1852,

Was read a second time by the title; and,

On motion by Mr. Gordon,

Referred to the Judiciary committee.

No. 107. A bill to amend an act entitled an act regulating the fees of officers, approved June 16, 1852,

Was read the second time by the title: and,

On motion by Mr. Jackson of Tipton,

Referred to the Judiciary committee.

No. 108. A bill to repeal certain sections of the law incorporating the town of Cleveland, in Hancock county,

Was read a second time by the title; and,

On motion by Mr. Jackson of Madison,

Was referred to a select committee of three;

And Senators Jackson of Madison, Slater and Witherow, were appointed said committee.

No. 109. A bill authorizing railroad companies to change their names;

Was read the second time; and,

On motion by Mr. Jackson of Madison,

Referred to the committee on Corporations.

No. 110. A bill to authorize the president of any railroad company to select any swamp or wet lands within five miles of their respective roads, and to provide the time within which said lands shall be paid for;

Was read the second time by the title; and,

On motion by Mr. Spann,

Referred to the committee on Finance.

No. 111. An act providing for the colonization of free negroes, making appropriations therefor, and the establishment of a colonization agency;

Was read the second time.

Mr. Greathouse offered the following amendment:

Amend by filling up the blank with 5,000 dollars;

Which was agreed to.

Mr. Morrison moved to refer to the committee on Finance;

Which was not agreed to,

Mr. Wilson of Harrison moved to amend by striking out 600 and inserting 400 dollars as salary for Agent.

Mr. Wilson of Harrison moved to lay the bill and amendments on the table;

Which was decided in the negative.

The question then being on the adoption of the amendment of Mr. Wilson of Harrison, it was decided in the negative.

Mr. Spann offered the following amendment:

"That the Legislature, by joint ballot, shall elect an agent or corresponding secretary."

Which was not agreed to.

The bill was then ordered to be engrossed.

No. 112. An act providing for the sale of southwest quarter of square No. 25, in the city of Indianapolis, subject to an unexpired lease of ten years;

Was read the second time.

Mr. Witherow moved to refer to a select committee of three, with Mr. Hosbrook as chairman.

Mr. Spann moved to refer to the committee on Education;

Which motion prevailed.

No. 113. An act to repeal an act entitled "an act supplemental to an act entitled "an act to provide for the incorporation of railroad companies," approved June 18, 1852;

Was read a second time; and,

On motion by Mr. Slater,

Referred to a select committee of nine.

Senators Slater, Robinson, Gibson, Sullivan, Helm, Brown, Anthony, Kightley, and Jackson of Madison, were appointed said committee.

Leave being granted, the following reports were made from the Judiciary committee:

By Mr. Gibson:

MR. PRESIDENT:

The Judiciary committee, who were directed to inquire whether under the Revised Code of last winter any property could be claimed as exempt from execution on judgments founded on contracts made previous to the 4th of July last past, have instructed me to report that, in their opinion, no such right exists, and have directed me to report the following bill to remedy such defect:

No. 115. An act declaring what property shall be exempt from execution on contracts made previous to the 4th day of July, 1853, and regulating the manner of claiming the same by the execution-debtor;

Which was read the first time and passed to a second reading.

By Mr. Jackson of Madison:

MR. PRESIDENT:

The committee on the Judiciary, to whom was referred Senate bill No. 92, "an act to authorize and require clerks of the court of common pleas, in cases when the proper record books have not been provided in time for the January term of said court for the year 1853, to transcribe from the original records into the new record, when provided, and legalize the same," have had the same under consideration, and have directed me to report the bill back to the Senate with the following amendment, viz, by adding the following section:

"The judges of such court shall make an allowance to such clerk for such services, not exceeding ten cents per hundred words, which shall, on such judge's certificate, be audited by the auditor, and paid by the treasurer of the proper county."

And when so amended, recommend the passage of said bill, and ask to be discharged from the further consideration thereof.

Which report was concurred in, the amendment adopted, and the bill ordered to be engrossed.

By Mr. Jackson of Madison:

MR. PRESIDENT:

The committee on the Judiciary, to whom was referred House bill No. 134, entitled "an act to repeal a joint resolution approved February 12th, 1848, and to abolish the office of State Agent for International Literary Exchanges," have had the same under consideration and have directed me to report the bill back to the Senate, recommend that it be indefinitely postponed, and ask to be discharged from the further consideration thereof.

Which report was concurred in, and the bill indefinitely postponed.

By Mr. Griggs:

MR. PRESIDENT:

The committee on the Judiciary, to which was referred Senate bill No. 76, entitled "an act authorizing the collection of rents," have had the same under consideration, and directed me to report the bill back to the Senate, and recommend that the same be indefinitely postponed, and ask to be discharged from the further consideration thereof.

Which was concurred in by the Senate, and the bill indefinitely postponed.

By Mr. Anthony:

MR. PRESIDENT:

The committee on the Judiciary, to whom was referred Senate bill No. 103, entitled "a bill to increase the salary and amount of bond of the State Librarian," have had the same under consideration, and have directed me to report the bill back to the Senate amended by striking out the word "eight," where it occurs in said bill, and inserting instead thereof the word "six," and when so amended, recommend the passage of the bill, and ask to be discharged from the further consideration thereof.

The question being on concurring in the report of the committee,

The ayes and noes were demanded by Messrs. Anthony and Barnett.

*Those who voted in the affirmative were,*

Messrs. Anthony, Barnett, Barton, Brookshire, Brown, Butler, Combs, Edwards, Gant, Griggs, Harris, Hendry, Horton, Hosbrook, Jackson of Madison, Kightley, Meeker, Morrison, Reynolds, Richardson, Roberts, Robinson, Shook, Simpson, Spann, Vandeventer, Williams, Wilson of Harrison, and Witherow—29.

*Those who voted in the negative were,*

Messrs. Adams, Cox, Cutshaw, Gibson, Greathouse, Gordon, Hall, Hawthorn, Jackson of Tipton, Odell, Shallenberger, Shields, Slater, Sullivan, and Wilson of Jay—15.

So the report was concurred in, and the amendment adopted.

Mr. Adams moved to lay the amendments on the table;

Which was not agreed to.

The bill was then ordered to be engrossed.

By Mr. Gibson:

MR. PRESIDENT:

The Judiciary committee, who were directed to inquire into the expediency of reporting a bill providing for the punishment in criminal cases being assessed by the court, have directed me to report the following bill, and recommend its passage:

No. 116. A bill to amend the 116th section of an act entitled an act to revise, simplify, and abridge the rules, practice and pleadings, and forms in criminal actions in this State, approved June 17, 1852.

Which was read the first time and passed to a second reading.

By Mr. Gant:

**MR. PRESIDENT:**

The committee on the Judiciary to whom was referred Senate bill No. 90, entitled an act to amend section 799 of chapter 1, part second of the second volume of the Revised Statutes of 1852, have had the same under consideration, and have directed me to report the same back to the Senate, and recommend that the bill be indefinitely postponed, the object sought to be attained having already been provided for; and that the committee be discharged from further consideration thereof.

Which was concurred in by the Senate, and the bill indefinitely postponed.

By Mr. Witherow:

**MR. PRESIDENT:**

The committee on the Judiciary, to whom was referred Senate bill No. 100, entitled an act to amend an act providing for the appointment of deputies for certain officers, and prescribing their duties and liabilities, approved May 13, 1852, have had the same under consideration, and have directed me to report back the bill to the Senate amended by striking out the word "constable" where it occurs in said act, and when so amended to recommend its passage, and ask to be discharged from the further consideration thereof.

Which report was concurred in, the amendment adopted, and the bill ordered to be engrossed.

By Mr. Witherow:

**MR. PRESIDENT:**

The committee on the Judiciary, to whom was referred Senate bill No. 81, entitled an act to amend section 36 of an act prescribing who may make a will, the effect thereof, what may be devised, regulating the revocation, admission to probate, and contest thereof, approved May 31, 1852, have had the same under consideration, and have directed me to report the same back to the Senate, recommend the passage, and ask to be discharged from the consideration thereof.

Which report was concurred in, and the bill ordered to be engrossed.

By Mr. Harris:

**MR. PRESIDENT:**

The committee on the Judiciary, to whom was referred Senate bill No. 78, entitled an act to amend section 95 of chapter 10 of the Revised Statutes of 1852, relative to foreign executors, have had

the same under consideration, and have directed me to report the same back to the Senate, recommend the passage, and ask to be discharged from the further consideration thereof.

Which was concurred in by the Senate.

#### SENATE BILLS ON THIRD READING.

No. 90. A bill amendatory of, and supplemental to, an act entitled an act incorporating the Indiana Cotton Mills, approved February 15, 1848.

Was read a third time.

The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Adams, Anthony, Barnett, Barton, Brookshire, Brown, Combs, Cox, Cutshaw, Edwards, Gant, Greathouse, Griggs, Gordon, Hall, Harris, Hawthorn, Hendry, Jackson of Madison, Jackson of Tipton, Kightley, Meeker, Odell, Reynolds, Richardson, Roberts, Robinson, Sallenberger, Shields, Shook, Simpson, Slater, Spann, Sullivan, Vandeventer, Williams, Wilson of Harrison, Wilson of Jay—37.

*Those who voted in the negative were,*

Messrs. Butler, Horton, Hosbrook, Morrison and Witherow—5.

So the bill passed.

Ordered that the Secretary inform the House thereof.

No. 10. A bill to authorize alien friends to take land by descent or devise, and releasing to such alien friends the interest of the State heretofore escheated, upon condition of their removing to this State or selling and conveying such lands to some citizen of this State, and providing for the appointment of guardians for such alien friends when minors.

Was read a third time.

When,

On motion by Mr. Anthony,

A call of the Senate was ordered.

The Secretary proceeded to the call, when the following Senators answered to their names:

Messrs. Barnett, Barton, Brookshire, Brown, Butler, Cox, Cutshaw, Gant, Gibson, Greathouse, Griggs, Gordon, Hall, Harris, Hawthorn, Hendry, Horton, Hosbrook, Jackson of Madison, Jackson of Tipton, Kightley, Meeker, Morrison, Odell, Richardson, Roberts, Robinson, Shallenberger, Shields, Shook, Simpson, Slater, Spann, Sullivan, Vandeventer, Williams, Wilson of Harrison, Wilson of Jay, and Witherow—39.

On motion by Mr. Brown,  
Leave of absence was granted Mr. Edwards until Monday next.

On motion by Mr. Odell,

Leave of absence was granted to Mr. Black on account of sickness.

On motion by Mr. Sullivan,

Leave of absence was granted to Mr. Adams.

On motion by Mr. Griggs,

Leave of absence was granted to Mr. Glazebrook until Monday next.

On motion by Mr. Brookshire,

The further call of the Senate was suspended.

Mr. Anthony moved that the Senate adjourn.

Which was not agreed to.

The question recurring on the passage of the bill.

*Those who voted in the affirmative were,*

Messrs. Anthony, Barton, Gant, Gibson, Greathouse, Gordon, Hall, Harris, Hosbrook, Jackson of Madison, Jackson of Tipton, Odell, Richardson, Roberts, Slater, Spann, Sullivan and Witherow—18.

*Those who voted in the negative were,*

Messrs. Barnett, Brookshire, Brown, Butler, Cox, Cutshaw, Griggs, Hawthorn, Hendry, Horton, Kightley, Meeker, Morrison, Robinson, Shallenberger, Shields, Shook, Simpson, Vandeventer, Williams, Wilson of Harrison and Wilson of Jay—22.

So the bill did not pass.

No. 89. A bill to amend an act entitled "an act for the incorporation of cities," approved June 18, 1852,

Was read a third time.

And the question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Anthony, Barnett, Barton, Brookshire, Brown, Butler, Cox, Cutshaw, Gant, Gibson, Gordon, Hall, Harris, Hawthorn, Hendry, Horton, Hosbrook, Jackson of Madison, Jackson of Tipton, Kightley, Meeker, Morrison, Odell, Richardson, Roberts, Robinson, Shallenberger, Shook, Simpson, Slater, Sullivan, Williams, Wilson of Harrison and Wilson of Jay—33.

Messrs. Spann and Witherow voted in the negative—2.

So the bill passed.

Ordered that the Secretary inform the House thereof.

Mr. Cox, chairman of the committee on Enrolled Bills, made the following report:

MR. PRESIDENT:

The committee on Enrolled Bills have compared the enrolled with the engrossed copy of bill No. 7, a bill to authorize railroad companies to consolidate their stocks with the stock of railroad companies in this, or in an adjoining State, and connect their roads with the roads of said companies, and to authorize railroad companies to construct their roads, on the routes which they may have heretofore surveyed and located, and to use and occupy the same when completed, and find the same correctly enrolled.

Also, bill No. 65, a bill to amend the first, second and third sections of an act entitled "an act for the incorporation of High Schools, Academies, Colleges, Universities, Theological Institutions and Missionary Boards," approved May 13, 1852, and find the same correctly enrolled.

Also, bill No. 65, a bill to amend the first section of an act entitled an act to amend an act entitled an act to incorporate the Lake Michigan, Logansport and Ohio River Railroad Companies, approved February 11, 1851, enacted by the General Assembly in February, 1848, and empowering said company to run their road to such point on the line of the Northern Indiana Railroad, as said company may select, and find the same correctly enrolled.

The following message was received from the House of Representatives:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the Speaker has signed the following enrolled bills of the House:

No. 47. An act to authorize the relocation of the seat of justice of the county of Clay, and to authorize the receiving of subscriptions and donations for the erection of the public buildings in said county.

Also, No. 101, an act to amend an act entitled "an act authorizing the construction of plank, McAdamized and gravel roads," approved May 12, 1852,

Which I am directed to bring to the Senate for the signature of the President thereof.

Whereupon the President affixed his signature thereto.

By unanimous consent of the Senate,

On motion by Mr. Shields,

Senate bill No. 29, was taken from the table and placed on the files of the Senate.

No. 24. A bill regulating foreign insurance companies,  
Was read a third time.

The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Anthony, Barnett, Cox, Cutshaw, Gant, Gibson, Gordon, Harris, Hendry, Horton, Hosbrook, Jackson of Madison, Odell, Reynolds, Shook, Slater, Spann, Sullivan, Vandeventer, Wilson of Harrison, Wilson of Jay, and Witherow—22.

*Those who voted in the negative were,*

Messrs. Brookshire, Brown, Butler, Griggs, Hall, Hawthorn, Jackson of Tipton, Kightley, Meeker, Roberts, Robinson, Shallenberger, Shields, Simpson, and Williams—15.

So the bill did not pass, there not being a constitutional majority therefor.

No. 64. A bill regulating escheated estates;  
Was read a third time.

And the question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Anthony, Brookshire, Brown, Butler, Gant, Gibson, Great-house, Griggs, Gordon, Hall, Harris, Hendry, Horton, Hosbrook, Jackson of Madison, Jackson of Tipton, Meeker, Morrison, Odell, Reynolds, Richardson, Roberts, Robinson, Shallenberger, Shook, Simpson, Spann, Sullivan, Vandeventer, Williams, Wilson of Harrison, Wilson of Jay, and Witherow—33.

*Those who voted in the negative were,*

Messrs. Cox, Cutshaw, Hawthorn, and Kightley—4.

So the bill passed.

Ordered that the Secretary inform the House thereof.

No. 72. A bill to require county commissioners to perform certain duties in relation to the refunding of taxes wrongfully assessed and collected;

Was read the third time.

The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Anthony, Barnett, Barton, Brookshire, Brown, Butler, Cox, Cutshaw, Gant, Gibson, Greathouse, Griggs, Gordon, Hall, Harris, Hawthorn, Hendry, Horton, Hosbrook, Jackson of Tipton, Meeker, Morrison, Odell, Reynolds, Richardson, Roberts, Robinson, Shallenberger, Shields, Shook, Simpson, Slater, Spann, Sullivan, Williams, Wilson of Harrison, Wilson of Jay, and Witherow—38.

No Senator voted in the negative.

So the bill passed.

Ordered that the Secretary inform the House thereof.

Leave being granted,

Mr. Gibson submitted the following resolution :

*Resolved*, That when the Senate adjourns, it adjourn to meet on Monday morning.

Which was adopted.

House bill No. 97, a bill amendatory of the second section of an act for the incorporation of cities, approved June 18, 1852, and for a more economical method of ascertaining the population of said cities, preparatory to the adoption of the provisions of the act herein mentioned of June 18, 1852,

Was read the third time; and,

On motion by Mr. Sullivan,

Laid on the table.

House bill No. 80, a bill to provide for the payment of agents employed to transport fugitives detained under the provisions of the act of Congress approved February 12, 1793,

Was read the third time; and,

On motion by Mr. Butler,

Laid on the table.

Senate joint resolution No. 11, a joint resolution relative to the duty on railway iron,

Was read the third time.

The question being on the passage of the bill,

Pending which,

On motion by Mr. Butler,

The Senate adjourned.

MONDAY MORNING, 9 o'clock, }  
February 21, 1853. }

The Senate assembled.

On motion by Mr. Meeker,  
The reading of the journal was dispensed with.

#### PETITIONS PRESENTED.

By Mr. Horton:

The petition of 276 citizens of this State upon the subject of the manufacture and sale of ardent spirits;

Which was,

On motion,

Referred to the committee on Temperance.

By Mr. Shook:

The petition of twenty-three citizens of Ripley county, on the subject of temperance;

Which was,

On motion,

Referred to the committee on that subject.

#### REPORTS FROM COMMITTEES.

By Mr. Hendry, from the Judiciary committee:

**MR. PRESIDENT:**

The committee on the Judiciary, to whom was referred Senate bill No. 77, "a bill to provide for the election, fixing the compensation, and prescribing the duties of Attorney General of the State," have had the same under consideration, and have directed me to report the bill back to the Senate, and recommend its passage.

Which report was concurred in.

The question being on the engrossment of the bill,

Mr. Horton submitted the following amendment:

Strike out "one thousand dollars," and insert "six hundred dollars."

Which was not adopted.

Mr. Harris submitted the following amendment:

Strike out "one thousand dollars," and insert "eight hundred dollars."

The question being on the adoption of the amendment,

The ayes and noes were demanded by Senators Harris and Horton.

*Those who voted in the affirmative were,*

Messrs. Barnett, Brown, Butler, Combs, Gant, Greathouse, Griggs, Hall, Harris, Hawthorn, Hendry, Horton, Hosbrook, Kightley, Meeker, Morrison, Odell, Roberts, Robinson, Shook, Simpson, Sullivan, Williams, and Wilson of Jay—24.

*Those who voted in the negative were,*

Messrs. Anthony, Black, Cox, Cutshaw, Edsall, Gibson, Gordon, Reynolds, Richardson, Shallenberger, Shields, Slater, and Witherow—13.

So the amendment was adopted.

Mr. Gibson moved to indefinitely postpone the bill:

Which was decided in the negative.

Mr. Greathouse moved to reconsider the vote adopting the amendment of Mr. Harris;

Which was not agreed to.

The question recurring on the engrossment of the bill,

The ayes and noes were demanded by Senators Gibson and Slater.

*Those who voted in the affirmative were,*

Messrs. Barnett, Barton, Black, Brookshire, Brown, Butler, Combs, Cox, Cutshaw, Gant, Gordon, Hall, Harris, Hawthorn, Hendry, Horton, Hosbrook, Kightley, Meeker, Morrison, Reynolds, Richardson, Roberts, Shields, Simpson, Spann, Sullivan, Vandeventer, Williams, Wilson of Harrison, and Wilson of Jay—31.

*Those who voted in the negative were,*

Messrs. Anthony, Edsall, Gibson, Greathouse, Griggs, Robinson, Shallenberger, Shook, Slater, and Witherow—10.

So the bill was ordered to be engrossed.

The President laid before the Senate the following communication from his Excellency the Governor.

EXECUTIVE DEPARTMENT, }  
February 21st, 1853. }

HON. A. P. WILLARD,

*President of the Senate :*

SIR:—Mr. John S. Tarkington is authorized to make communications from the Executive Department, in the absence of my private secretary, Mr. King.

Respectfully yours,  
JOSEPH A. WRIGHT.

By Mr. Gibson, chairman of the Judiciary committee:

MR. PRESIDENT:

The Judiciary committee, who were instructed to inquire into the expediency of providing by law for the speedy determination of the constitutionality of any law of this State, have had that subject under consideration, and have directed me to report the following bill, and recommend its passage.

No. 117. A bill providing for the speedy determination by the supreme court of the constitutionality of any law of this State.

Which was read the first time and passed to a second reading.

By Mr. Griggs from the Judiciary committee:

MR. PRESIDENT:

The Judiciary committee to which were referred Senate bill No. 105, a bill giving the courts of common pleas concurrent jurisdiction with justices of the peace, in actions of forcible entry and detainer, and against tenants holding over, have had the same under consideration, and directed me to report the same back and recommend its passage.

Which report was concurred in, and the bill ordered to be engrossed.

By Mr. Richardson, chairman of the committee on corporations:

MR. PRESIDENT:

The committee on Corporations to which was referred Senate bill No. 109, a bill authorizing railroad companies to change their names, have had the same under consideration. I am directed by the committee to return the bill to the Senate without amendment, and to recommend its passage.

Which was concurred in.

The question being on the engrossment of the bill,

Mr. Cutshaw submitted the following amendment:

Amend by adding to the first section the following words:

*Provided, however,* that nothing herein contained shall authorize the New Albany and Salem Railroad Company to change their corporate name, until said company shall have constructed that part of their road which has been surveyed and located north of Lafayette and between Michigan City and the Illinois State line.

Which amendment was adopted.

Mr. Harris moved to lay the bill on the table.

Which was decided in the negative.

On motion by Mr. Wilson of Harrison,

The bill was considered as engrossed and read a third time.

The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Anthony, Barnett, Black, Butler, Combs, Cox, Cutshaw, Edsall, Gibson, Greathouse, Griggs, Gordon, Hosbrook, Jackson of Tipton, Kightley, Meeker, Morrison, Richardson, Roberts, Robinson, Shields, Simpson, Slater, Spann, Sullivan, Williams, Wilson of Harrison, Wilson of Jay and Witherow—29.

*Those who voted in the negative were,*

Messrs. Barnett, Gant, Hall, Harris, Hawthorn, Hendry, Horton, Odell, Reynolds, Shallenberger, Shook and Vandeventer—12.

So the bill passed.

Ordered that the Secretary inform the House thereof.

By Mr. Black, chairman of the committee on Education:

MR. PRESIDENT:

The committee to whom was referred House bill No. 133, an act to provide for the distribution of the school fund for the year ending on the 4th Monday in March, 1853, have had the same under consideration, and have directed me to report the same back to the Senate and recommend its passage.

Which report was concurred in, the bill read the second time and ordered to a third reading.

By Mr. Kightley chairman of the committee on Roads:

MR. PRESIDENT:

The committee to whom was referred House bill No. 48, a bill to amend an act entitled "an act to provide for the erection and re-

pair of bridges," approved May 22, 1852, have had the same under consideration, and a majority of said committee have instructed me to report the same back, recommending its passage.

Which was concurred in,

The bill read a second time and ordered to a third reading.

Also, by Mr. Kightley, chairman of the committee on Roads:

**MR. PRESIDENT:**

The committee to whom was referred resolution, inquiring into the necessity of amending the road law, so that citizens of any road district may, by vote or petition, require their supervisors to clear all drifts and other obstructions out of the creeks, etc., have had the same under consideration and instructed me to report, that it is in their opinion inexpedient to legislate upon the subject.

Which was concurred in.

By Mr. Horton, chairman of the committee on County and Township Business.:

**MR. PRESIDENT:**

The committee on County and Township Organization, to whom was referred House bill No. 112, an act to amend the fifth section of an act entitled an act for the more uniform mode of doing township business, have had the same under consideration and have directed me to report the bill back without amendment and recommend its passage, and ask to be discharged from the further consideration thereof.

Which was concurred in,

And the bill read a second time and ordered to a third reading.

By Mr. Shook from a select committee:

**MR. PRESIDENT:**

The select committee to whom was referred Senate bill No. 36, a bill providing for serving process upon the officers, directors, attorneys or agents of any railroad company, have had the same under consideration, and have directed me to report the same back with the following amendments, and when adopted to recommend its passage: Add the word "general" before the word "agent" in the 1st section: add to the section, "*Provided, however,* that process shall not be served upon any officer, director, attorney or general agent, who may be plaintiff in the suit, or who may have any interest therein against such company; provided, further, that, at least,

thirty days notice shall be given of the time and place of the pendency of said suit."

Which report was concurred in, and amendments adopted,  
The bill read a second time and ordered to be engrossed.

#### RESOLUTIONS INTRODUCED.

On motion by Mr. Horton,

*Resolved*, That the officers and assistants of the Senate, each be allowed the 1st and 2d volumes of the Revised Statutes of 1852, with a copy of the Journals of 1853.

On motion by Mr. Brookshire,

*Resolved*, That the committee on Benevolent Institutions be instructed to inquire into the expediency of furnishing the Deaf and Dumb Asylum with gas lights, and report by bill or otherwise.

The following message was received from the House of Representatives, by Mr. Bowes, their Clerk:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House have concurred in the committee of free conference on House bill No. 37, a bill to change the time of holding circuit courts in the 10th judicial circuit.

Also, the following message was received from the House of Representatives by Mr. Bowes their Clerk:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the Speaker of the House has signed the following enrolled bills of the Senate, Nos. 7, 32, 63, 56, 65, 43.

Also, the following message was received from the House of Representatives, by Mr. Bowes, their Clerk:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the Speaker has signed the following enrolled bill of the House:

No. 37. An act to change the time of holding circuit courts in the 10th judicial circuit.

Which I am directed to bring to the Senate for the signature of the President thereof;

Whereupon the President affixed his signature thereto.

## ORDERS OF THE DAY.

The question being on the passage of joint resolution of the Senate No. 11, a joint resolution relative to the duty on railroad iron, Which was read the third time on Saturday.

On motion by Mr. Sullivan,  
The joint resolution was laid on the table.

## SENATE BILLS ON SECOND READING.

No. 29. A bill to enable non-resident aliens to take, upon certain conditions, real estate by descent or devise; to provide for the partition and sale thereof, and defining the jurisdiction and duties of the courts of common pleas, and certain officers in relation thereto.

Was read the second time and considered as in committee of the whole.

The following amendment was submitted by Mr. Gibson:  
Amend as follows:

1st, insert after the word "friends" in the second line of section 1st, the words "whether the ancestor or devisor was an alien or citizen."

2nd, insert after the word "devise" in the 5th line, the words, "or by reason of the alienage of the ancestor or devisor."

Which was adopted.

Mr. Shields moved to strike out the 9th and 10th sections.

Which was agreed to.

The following amendment was submitted by Mr. Gibson:

Add in the 6th line after the word "alienage," the words, "of said ancestor, devisor or heir."

Which was adopted.

Mr. Morrison moved to strike out the word "such," in the 6th line, and insert the words, "non-resident."

Which was agreed to.

Mr. Cox offered the following amendment:

Insert the word "five" in the blank in the 7th line: strike out the word "three" in the 8th line, and insert the word "five."

Which was agreed to.

Mr. Gibson submitted the following amendment.

Strike out all of the bill after the word "existed" in the 6th line of the first section.

Pending which,

On motion by Mr. Gant,  
The Senate adjourned.

2 o'clock, P. M.

The Senate assembled.

The President laid before the Senate the following communication from the Auditor of State.

OFFICE OF AUDITOR OF STATE, }  
Indianapolis, Feb. 21, 1853. }

HON. A. P. WILLARD,

*President of the Senate:*

SIR: Please lay before the Senate the accompanying report, and oblige  
Your Obt. Servt.

JOHN P. DUNN, *Auditor of State.*

Which report was,

On motion by Mr. Gibson,

Laid on the table.

Mr. Wilson of Harrison moved that 5000 copies be printed.

Upon which the ayes and noes were demanded by Messrs. Gibson and Wilson of Harrison.

*Those who voted in the affirmative were,*

Messrs. Edwards, Griggs, Harris, Hendry, Odell, Williams, Wilson of Harrison, and Witherow—8.

*Those who voted in the negative were,*

Messrs. Anthony, Black, Brookshire, Brown, Butler, Combs, Cox, Cutshaw, Gant, Gibson, Glazebrook, Gordon, Hall, Hawthorn, Horton, Hosbrook, Humphreys, Jackson of Madison, Kightley, Meeker, Morrison, Powell, Reynolds, Richardson, Roberts, Shields, Shook, Simpson, Spann, Vandeventer, and Wilson of Jay—31.

So the motion did not prevail.

Mr. Wilson of Harrison moved to print 3000 copies.

Mr. Gibson moved to indefinitely postpone the subject of printing,

When the ayes and noes were demanded by Messrs. Edwards, and Wilson of Harrison.

*Those who voted in the affirmative were,*

Messrs. Anthony, Barnett, Black, Brookshire, Brown, Butler, Combs, Cutshaw, Gant, Gibson, Glazebrook, Gordon, Horton, Hosbrook, Humphreys, Kightley, Morrison, Reynolds, Richardson,

Roberts, Shields, Shook, Slater, Spann, Wilson of Harrison, Wilson of Jay, and Witherow—27.

*Those who voted in the negative were,*

Messrs. Cox, Edwards, Griggs, Hall, Harris, Hawthorn, Hendry, Meeker, Odell, Simpson, Vandeventer, and Williams—12.

So it was indefinitely postponed.

Mr. Wilson of Harrison moved to reconsider the vote indefinitely postponing;

Which was not agreed to.

On motion by Mr. Gibson,

The previous order for the consideration of Senate bill No. 102, a bill fixing the time of holding the courts of common pleas, and the length of the terms thereof, in the several counties of this State, was postponed until to-morrow at 2 o'clock P. M.

The Senate then resumed the consideration of Senate bill No. 29,

When Mr. Shields offered the following amendment to the amendment:

Amend by adding to said bill a section in the following words:

SEC. —. Any alien residing abroad, who would be entitled to take lands by descent or devise, if the disability of alienage did not exist, is hereby fully authorized, upon his coming to this State within the five years hereinbefore mentioned, to sell said lands or his or her interest therein, at private or public sale, to any citizen or *bona fide* resident of the United States; and such sale and conveyance made in pursuance thereof, shall vest said lands or the interest of the grantor therein, as fully and effectually in the purchaser, as if said conveyance has been made by a native born citizen of lands to which he or she was entitled by descent or devise, if said heirs should be of legal age.

Which was adopted.

The question then being on the adoption of the amendment offered by Mr. Gibson, which was pending at the adjournment, when

Mr. Brown moved the previous question;

Which was seconded by the Senate.

The question being, shall the main question be now put?

It was decided in the affirmative.

The question being on the adoption of the amendment.

The ayes and noes were demanded by Messrs. Gibson and Shields.

*Those who voted in the affirmative were,*

Messrs. Anthony, Barton, Edsall, Gant, Gibson, Glazebrook, Great-house, Hall, Humphreys, Jackson of Madison, Odell, Powell, Richardson, and Slater—14.

*Those who voted in the negative were,*

Messrs. Barnett, Black, Brookshire, Brown, Butler, Combs, Cox, Cutshaw, Edwards, Griggs, Gordon, Harris, Hawthorn, Hendry, Horton, Hosbrook, Jackson of Tipton, Kightley, Meeker, Morrison, Roberts, Robinson, Shallenberger, Shields, Shook, Simpson, Spann, Vandeverter, Williams, Wilson of Harrison, Wilson of Jay, and Witherow—31.

So the amendment was not adopted.

The question recurring on the engrossment of the bill, upon which. The ayes and noes were demanded by Messrs. Gibson and Shields.

*Those who voted in the affirmative were,*

Messrs. Barnett, Brookshire, Brown, Butler, Combs, Cox, Cutshaw, Edwards, Glazebrook, Griggs, Hall, Hawthorn, Hendry, Horton, Hosbrook, Jackson of Tipton, Kightley, Meeker, Morrison, Roberts, Robinson, Shallenberger, Shields, Shook, Simpson, Spann, Sullivan, Vandeverter, Wilson of Harrison, Wilson of Jay and Witherow—31.

*Those who voted in the negative were,*

Messrs. Anthony, Barton, Edsall, Gant, Gibson, Greathouse, Gordon, Harris, Humphreys, Jackson of Madison, Odell, Powell, Richardson, and Slater—14.

So the bill was ordered to be engrossed.

No. 114. A bill to amend section 3, of chapter 3, of the 1st part of the 2d volume of the Revised Statutes of 1852, of an act to provide for the election and certain of the duties of prosecuting and district attorneys,

Was read the second time by the title; and,

On motion by Mr. Odell,

Referred to a select committee of five.

Senators Odell, Gibson, Witherow, Shook and Harris, were appointed said committee.

No. 115. A bill declaring what property shall be exempt from execution on contracts made previous to the 4th of July, 1853, and regulating the manner of claiming the same by the execution-debtor,

Was read the second time; when

Mr. Gibson moved to amend the first section by striking out 1853, and insert in lieu thereof 1852;

Which was agreed to, and the bill ordered to be engrossed.

No. 116. A bill to amend the 116th section of an act entitled "an act to revise, simplify and abridge the rules, practice and pleadings

and forms in criminal actions in this State," approved June 17, 1852,  
Was read a second time and ordered to be engrossed.

The President laid before the Senate the following communication  
from his Excellency, the Governor:

EXECUTIVE DEPARTMENT, }  
February 21st, 1853. }

HON. A. P. WILLARD,  
*President of the Senate:*

SIR:—You will please lay before the Senate the inclosed copy of  
a joint resolution adopted by the General Assembly of the State of  
Illinois, on the subject of establishing "Industrial Universities"  
for the encouragement of practical education.

Respectfully yours,  
JOSEPH A. WRIGHT.

Which joint resolution was,  
On motion by Mr. Gibson,  
Referred to the committee on Education.

On motion by Mr. Edsall,  
Senate joint resolution

No. 11. A joint resolution relative to the duty on railroad iron,  
Was taken from the table.

Mr. Spann moved to recommit to the committee on Federal Relations,  
with instructions to strike out "three years."

Mr. Wilson of Harrison moved to amend the instructions as follows:

Recommit to a select committee with the following instructions:

After the word "railroad iron," insert: "and all articles manufactured of iron."

Which was adopted.

Senators Spann, Wilson of Harrison, and Sullivan, were appointed said committee.

The following report was made by Mr. Gibson, chairman of the  
Judiciary committee:

MR. PRESIDENT:

The Judiciary committee, to whom was referred Senate bill No. 106, a bill to amend an act entitled "an act regulating the fees of officers," approved June 16, 1852, and No. 107, a bill to amend an act entitled "an act regulating the fees of officers," approved June 16, 1852, have had the same under consideration and have directed me to report the same back without recommendation.

On motion by Mr. Gordon,

Senate bill No. 106, contained in the report was referred to a select committee of four, and Senators Gordon, Sullivan, Jackson of Tipton and Black, appointed said committee.

Senate bill No. 107, contained in the report, was,

On motion by Mr. Gibson,

Referred to the select committee to whom was referred Senate bill No. 106.

Senate bill No. 78, a bill to amend section 95, of chapter 10, of the Revised Statutes of 1852, relative to foreign executors;

Was read a third time.

The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Barnett, Barton, Black, Brookshire, Brown, Butler, Combs, Cox, Cutshaw, Edwards, Gant, Glazebrook, Griggs, Gordon, Hall, Harris, Hawthorn, Hendry, Horton, Hosbrook, Humphreys, Jackson of Madison, Jackson of Tipton, Meeker, Odell, Powell, Richardson, Roberts, Robinson, Shallenberger, Shook, Simpson, Spann, Vandeventer, Williams, Wilson of Harrison, Wilson of Jay, and Witherow—39.

No Senator voting in the negative.

So the bill passed.

Ordered, that the Secretary inform the House thereof.

The rules being suspended,

Mr. Roberts obtained leave to make the following report:

**MR. PRESIDENT:**

The joint committee on the State Prison have, in obedience to a resolution of both Houses, visited the State Prison at Jeffersonville, and discharged the duties assigned to them. They have instructed me to make the following report:

The committee visited the grounds, the cells, the workshops, and the various departments of the prison. They endeavored by inquiry and careful personal inspection, to obtain information upon the various subjects to which the resolution refers.

The committee do not deem it necessary to incorporate in this report any statistical information. The act for the regulation of the Penitentiary, requires the Warden to report to the General Assembly, at each session, a statement showing the condition of the prison. The committee refrain from adding any particulars to those embraced in the report of that officer, laid before the General Assembly, at the present session. They deem it, however, proper to invite the serious attention of the legislature to the general economy of the establishment, and to the urgent necessity which exists for legis-

lation, to improve the grounds, and to construct such an increased number of cells as the health and increased number of the convicts require.

It is made the duty of the warden to prescribe rules for the government and police of the prison. The committee are of the opinion, that the existing rules are well adapted to secure the objects in view, and that no change in them is necessary. No system, however wisely conceived, can be of any avail unless it be faithfully executed. The duty of enforcing the rules, devolves entirely on the warden; and the committee feel constrained by their convictions of duty, to say that the evidence of remissness, and neglect of duty, on the part of that officer, is such, that they cannot with propriety pass it over in silence.

The provisions are, in general, wholesome. The prisoners are provided with comfortable clothing and the substantial necessities of life. There should, however, be more cleanliness observed in the preparation of their food. In one instance they were fed with tainted meat; but the committee are persuaded that it resulted from inadvertence and not from design. Good order and subordination are exacted from the prisoners, and they are brought into habits of regularity and industry. An unreasonable amount of labor is not required from them; but a more exact system, in this respect, is to be desired. Their beds are not so good, nor are they kept in so cleanly and comfortable a condition, as the health of the inmates require. Their cells are, mostly, in a filthy condition. This is to be ascribed, in part, to the state of the grounds within the enclosure; but a stricter regard to the cleanliness of the cells where the convicts sleep, is indispensably necessary. During the summer season there is imminent danger that a fatal epidemic might result, if a thorough reformation, in this part of the economy of the establishment is not carried into effect.

With a view of better securing the health and comfort of the convicts, and to enable the warden to exact more readily cleanliness in the cells, some improvements in the grounds are necessary. The grounds within the walls are not paved or McAdamized, nor are sufficient means for drainage provided. At all times this State of things is attended with serious inconvenience, and during the rainy and warm seasons, it may prove injurious to the health of the prisoners. Your committee therefore are of the opinion that the grounds should be paved or McAdamized at an early day, and such improvements should be made, as that a thorough drainage should be at all times secured.

The number of convicts being greater than the number of cells, your committee are of opinion that an additional number should be erected, sufficient to meet the present necessities of the inmates. An increase of population and wealth may, it is true, be attended with an increase of crime; in view of which probability it is the part of wisdom to resort to all proper means to promote the efficient admin-

istration of criminal justice. But as houses of refuge are likely to be established, as contemplated in the — section of the — article of the constitution, your committee are of opinion that there is no immediate necessity of an extension of the prison buildings, further than to erect the cells above recommended, as it is probable that many offenders who have heretofore been sentenced to the State Prison will, in future, be sent to the house of refuge. If, besides under the new Revised Statutes which will go into effect in a short time, imprisonment in the county jail may be substituted for imprisonment in the State Prison, in many cases where such decision has not, heretofore, been given. But if the number of convicts should continue steadily to increase, your committee are of opinion that it would be better policy for the State to erect a new prison at some eligible point in the northern portion of the State, than to appropriate from year to year the considerable sums which have heretofore been deemed necessary for the improvement and extension of the prison at Jeffersonville.

The committee furthermore beg leave to record their opinion against the propriety of leasing the prison, after the expiration of the present lease. They believe that, aside from considerations of economy, which would certainly be promoted by a change, the system is egregiously wrong in principle, and should not be continued. The committee have instructed me to report the following bill, and to recommend its passage:

No. 118. A bill authorizing the Governor to contract for the erection of an additional number of cells at the penitentiary, and for making certain improvements upon the grounds thereof.

Which was read the first time and passed to a second reading.

On motion by Mr. Barnett,  
The Senate adjourned.

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TUESDAY MORNING, 9 o'clock, }  
February 22d, 1853. }

The Senate assembled.

On motion by Mr. Odell,  
The reading of the Journal was dispensed with.

#### PETITIONS, MEMORIALS AND REMONSTRANCES.

By Mr. Shook:

The petition of sundry citizens of Ripley county, on the subject of the liquor traffic;

Which was,

On motion,

Referred to the committee on Temperance.

By Mr. Horton:

The memorial of sundry citizens of Huntington county on the subject of the manufacture and sale of ardent spirits;

Which was,

On motion,

Referred to the committee on Temperance.

By Mr. Shallenberger:

The memorial of numerous citizens of this State on the subject of temperance;

Which was,

On motion,

Referred to the committee on that subject.

By Mr. Hosbrook:

The petition of William Sheets upon the subject of grading and gravelling the streets of Indianapolis;

Which was,

On motion,

Referred to the committee on the affairs of the Town of Indianapolis.

#### REPORTS FROM COMMITTEES.

By Mr. Edwards from the committee on the Organization of Courts:

MR. PRESIDENT:

The committee on the Organization of Courts to which was referred House bill No. 124, a bill to provide for the selection and impaneling of petit jurors in the court of common pleas, and providing compensation therefor as supplementary to an act approved May 26, 1852, have had the same under consideration, and directed me to report the same back to the Senate, respectfully recommending its passage.

Which report was concurred in, the bill read the second time, and ordered to a third reading.

By Mr. Odell from the committee on the Organization of Courts:

MR. PRESIDENT:

The committee on the Organization of Courts to whom the within resolution was referred, have had the same under consideration, and

have directed me to report the following bill and recommend its passage:

No. 119. A bill to prohibit clerks and their deputies of the supreme court and circuit courts, and courts of common pleas within this State, from practicing law in this State.

Which was read the first time and passed to a second reading.

By Mr. Cox from the committee on the Organization of Courts:

MR. PRESIDENT:

The committee on the Organization of Courts to whom was referred a resolution directing an inquiry into the expediency of so amending the present law, page 290, as to allow each witness for attending the supreme and circuit courts, and courts of common pleas, \$1.00 per day for every day attending in his own county, and for every witness attending from another county, \$1.50 per day, have had the same under consideration, and directed me to report that the same is provided for in the general fee bill now pending before the Senate, and ask to be discharged from further consideration of the subject.

Which was concurred in by the Senate.

By Mr. Griggs from the committee on the Organization of Courts:

MR. PRESIDENT:

The committee on the Organization of Courts to which was referred a resolution instructing said committee to inquire into the expediency of fixing the time within which appeals may be taken from the courts of common pleas in civil and criminal cases, and the mode of taking the same, have directed me to report the same back to the Senate, and recommend that legislation thereon is inexpedient.

Which was concurred in by the Senate.

By Mr. Black chairman of the committee on Education:

MR. PRESIDENT:

The committee to whom was referred Senate bill No. 85, a bill to provide for the investing of the common school fund in the bonds of the State of Indiana, have directed me to report it back with the following amendment, and when so amended, to recommend its passage:

Amend first, by adding to the first section the following:

*Provided*, that if the investment of said fund cannot be made as hereinafter prescribed, the officers aforesaid shall rel oan the same according to law.

Amend second, by striking out of the third section, all after the

words, "provided, however," and insert the following: No price shall be paid for bonds of this State, higher than \$5 cents for five per cent. bonds, and 55 cents for two and a half per cent bonds.

Amend third, by striking out section 7.

Which report was concurred in, the amendments adopted, the bill read the second time and ordered to be engrossed.

By Mr. Barton, chairman of the committee on the Benevolent Institutions of the State:

MR. PRESIDENT:

The committee on Benevolent Institutions, to whom was referred House bill No. 94, entitled, "an act to provide for an addition to the library at the Hospital for the Insane, have had the same under consideration, and have instructed me to make the following report, to wit: That as it is indispensable to the increased usefulness of the Hospital, that it should be enlarged, to do which it will be necessary to make heavy expenditures, it is therefore highly important that all appropriations from the treasury, for the Hospital, should be directed to that object, until the institution shall become adequate to the wants of the State, when it will be soon enough to purchase a library, which is certainly secondary to the enlargement of the buildings, and the necessarily increased expenditure in support thereof; wherefore, your committee would recommend the bill hereby reported back, to be laid on the table; and they ask to be discharged from the further consideration of the subject.

Which report was concurred in, and the bill laid on the table.

By Mr. Barton, chairman of the committee on the Benevolent Institutions of the State:

MR. PRESIDENT:

The committee on Benevolent Institutions, to whom was referred the petition of the Ohio and Indianapolis railroad company, praying a grant of the right of way through the land of the State at the asylum for the deaf and dumb, have had that subject under consideration, and have directed me to report the following bill, and recommend its passage:

No. 120. A bill granting the right of way to the Ohio and Indianapolis railroad company, to construct a railroad through the grounds of the State surrounding the Asylum for the Deaf and Dumb;

Which was read the first time.

Mr. Gibson moved to suspend the rules in order to read the bill a second time;

The question being on suspending the rules,

*Those who voted in the affirmative were,*

Messrs. Adams, Anthony, Barnett, Barton, Black, Brookshire, Brown, Butler, Cox, Cutshaw, Edsall, Edwards, Gant, Gibson, Glazebrook, Greathouse, Griggs, Gordon, Hall, Harris, Hawthorn, Hendry, Horton, Hosbrook, Humphreys, Jackson of Madison, Jackson of Tipton, Kightley, Meeker, Odell, Powell, Reynolds, Roberts, Shallenberger, Shields, Shook, Simpson, Slater, Sullivan, Vandeventer, Wilson of Jay, and Witherow—43.

Messrs. Morrison and Spann voted in the negative—2.

So the rules were suspended, the bill read a second time, when Mr. Spann moved to refer the bill to the committee on Corporations;

Which was not agreed to.

The question being on the engrossment of the bill,

The ayes and noes being demanded by Senators Spann and Shook.

*Those who voted in the affirmative were,*

Messrs. Anthony, Barton, Black, Brown, Butler, Combs, Cox, Cutshaw, Edsall, Edwards, Gibson, Glazebrook, Griggs, Gordon, Hall, Harris, Hawthorn, Hendry, Horton, Hosbrook, Humphreys, Jackson of Madison, Jackson of Tipton, Kightley, Odell, Powell, Roberts, Shallenberger, Shields, Simpson, Sullivan, Vandeventer, Williams, Wilson of Harrison, Wilson of Jay, and Witherow—37.

*Those who voted in the negative were,*

Messrs. Adams, Barnett, Brookshire, Gant, Greathouse, Morrison, Robinson, Shook, and Slater—9.

So the bill was ordered to be engrossed.

Mr. Horton, chairman of the committee on County and Township Business;

MR. PRESIDENT:

The committee on County and Township business, to whom was referred Senate bill No. 37, a bill to amend the 22d section of chapter 102 of the Revised Statutes of 1852, have had the same under consideration, and have directed me to report it back without amendment, and respectfully recommend its passage.

Which report was concurred in, and the bill ordered to be engrossed.

By Mr. Sullivan, chairman of the committee on Finance:

MR. PRESIDENT:

The committee on Finance, to whom was referred Senate bill No. 110, "an act to authorize the president of any railroad company to select any swamp or wet lands within five miles of their respective roads, and to provide the time within which said lands shall be paid for," have had the same under consideration, and unanimously direct me to report the same back to the Senate, recommending that the bill be indefinitely postponed.

Which report was concurred in, and the bill indefinitely postponed.

#### RESOLUTIONS OF THE SENATE.

Mr. Barton submitted the following resolution:

*Resolved*, That the select committee to whom was referred House bill No. 57, a bill to detach a part of the county of Knox, and attach the same to the county of Pike, be authorized to send for persons and papers.

The question being on the adoption of the resolution,

The ayes and noes were demanded by Messrs. Hawthorn and Butler.

*Those who voted in the affirmative were,*

Messrs. Anthony, Barton, Edsall, Gibson, Glazebrook, Humphreys, Morrison, Roberts, Shook, Slater, and Sullivan—11.

*Those who voted in the negative were,*

Messrs. Adams, Barnett, Brown, Butler, Combs, Cox, Cutshaw, Gant, Griggs, Hall, Harris, Hawthorn, Hendry, Horton, Hosbrook, Jackson of Madison, Jackson of Tipton, Meeker, Odell, Powell, Reynolds, Shallenberger, Shields, Simpson, Spann, Vandeventer, Williams, Wilson of Jay, and Witherow—29.

So the resolution was not adopted.

Mr. Hawthorn submitted the following resolution:

*Resolved*, That the chairman of the select committee on the bill of the House No. 57, entitled "a bill to attach a portion of Knox county to Pike," be required to report said bill back to this Senate immediately.

The question being on the adoption of the resolution,

The ayes and noes were demanded by Senators Hawthorn and Butler.

*Those who voted in the affirmative were,*

Messrs. Adams, Barnett, Brown, Butler, Combs, Cox, Cutshaw, Gant, Griggs, Hall, Harris, Hawthorn, Hendry, Horton, Hosbrook, Meeker, Odell, Powell, Reynolds, Shallenberger, Shields, Simpson, Spann, Vandeventer, Williams, Wilson of Jay, and Witherow—27.

*Those who voted in the negative were,*

Messrs. Anthony, Barton, Edsall, Gibson, Glazebrook, Humphreys, Jackson of Madison, Morrison, Roberts, Shook, and Slater—11.

So the resolution was adopted.

Whereupon Mr. Barton submitted the following report:

**MR. PRESIDENT:**

The select committee to whom was referred House bill No. 57, entitled a bill to attach township No. 1 north of range 8 and sections Nos. 31, 32, 33, 34, 35 and 36, in township No. 2 north of range No. 8 west, containing a part of the county of Knox, to the county of Pike, have had the same under consideration and a majority have instructed me to make the following report:

The bill under consideration proposes to strike from Knox county between 12000 and 16000 acres of territory which has been part of the territory of Knox county since the organization of the State Government and formed part of her taxable property. Each county under our laws exercises acts of sovereignty, may make contracts, and may perform many of the functions of a distinct government. The exercise of these powers necessarily impose obligations upon each tax payer of the county, which should not be released without considerations of paramount importance. By detaching any portion of the territory of a county, the aggregate of its taxable property is reduced, and the taxes upon the remaining portion increased. Obligations entered into before such change of boundaries, by which an indebtedness is contracted and predicated upon the then taxable property of the county.

These obligations are to be met by taxes upon such property. Let us take a case in point. Knox county, in her corporate capacity, subscribed 200,000 dollars to the Ohio and Mississippi railroad company. The obligation to pay this sum when it shall become due, and meet accruing instalments and interest rests upon the whole taxable property of the county. It is a charge upon that property. But before the obligation is discharged by an act of the Legislature the boundaries of Knox county are so changed that an amount of her taxables is reduced say, in the sum of \$200,000. The relations which existed between the citizens of the county when such sub-

scription was made, are thus seriously disturbed, and the burden of taxation materially increased upon those left within the county against their consent, and under circumstances against which they could not provide.

The case would be peculiarly strong if the citizens living in the detached territory, had by their votes, contributed to the subscription of the stock of such railroad company.

This is no fancy sketch. Knox county has subscribed the sum, and to the object and for the purposes mentioned. The citizens of Harrison township, in which the territory proposed by said bill to be detached is situate, were exceedingly clamorous for that subscription. And now, that they are about reaping the benefits of the investment by the increased facilities of trade and the enhancement of their real property, which a change of the county boundaries cannot affect, it is proposed to release a portion of them and their property from the obligations which they had helped to impose.

Is this just toward the other citizens of Knox?

The chief reason urged in support of the bill is, that the petitioners in behalf of said bill are compelled, under the present boundaries of Knox county, to go to Vincennes, a distance of twenty miles, to transact all their court business, when, if the proposed change were made, they would be within two or three miles of Petersburg, the county seat of Pike county. Looking at the question upon the score of convenience, it is questionable whether the change would operate as a very great convenience to the petitioners. During every season of high water, the river between the territory proposed to be detached and Petersburg is near two miles wide and impassable, while between the river and Petersburg intervene a chain of hills, presenting impassable barriers to the travel in ordinary vehicles. Under such circumstances, persons desirous of visiting Petersburg from said territory would be compelled to go by way of Stuck's Ferry, on White river, making the distance round not less than six miles from the nearest point, with the additional inconvenience and expense of ferriage, to which he would not be subjected in traveling to Vincennes.

Then, again, the town of Petersburg, the present county seat of Pike, is located far out of the centre of that county, and it is by no means impossible, when the county of Pike becomes more densely populated, that the seat of justice will be removed to a more central position in said county; in fact the question of removing the county seat from Petersburg has already been raised and has become an absorbing question in that county, and enters into most of its elections.

It may be that the present bill looks chiefly to a prevention of such removal of the county seat of Pike, by increasing the territorial limits of that county, and thus making the present county seat nearer the centre of the county. But in the event of such contem-

plated removal, the petitioners will be quite as near Vincennes as to the probable location of the county seat of Pike.

Upon examination, the committee find that forty-five out of the five hundred and eighty-five of the citizens of the township to be chiefly affected by the bill, petition for the change, while one hundred and forty-two citizens of Knox county remonstrate against the granting of the prayer of the petitioners. Therefore, as by the passage of the bill, citizens of Knox county would be injured as set forth in this report, and by the failure of the bill the relations of the county would be left just as they have been ever since the organization of the county, your committee think it inexpedient to legislate in the premises, and therefore report the bill back with a recommendation that it be indefinitely postponed, and that the petition in support thereof and the remonstrance there against, be laid upon the table, and that they be discharged from the further consideration thereof.

The question being on concurring in the report of the committee,

On motion by Mr. Barton,

A call of the Senate was ordered.

The Secretary proceeded to the call, when the following Senators answered to their names:

Messrs. Adams, Anthony, Barnett, Barton, Black, Brookshire, Brown, Butler, Combs, Cox, Cutshaw, Edsall, Edwards, Gant, Gibson, Glazebrook, Greathouse, Griggs, Gordon, Hall, Harris, Hawthorn, Hendry, Horton, Hosbrook, Humphreys, Jackson of Madison, Jackson of Tipton, Kightley, Meeker, Morrison, Odell, Powell, Richardson, Roberts, Robinson, Shallenberger, Shook, Simpson, Slater, Spann, Sullivan, Vandeventer, Williams, Wilson of Harrison, Wilson of Jay and Witherow—47.

On motion by Mr. Hawthorn,

The further call of the Senate was suspended.

The question then recurring on the report of the committee and the indefinite postponement of the bill.

The ayes and noes were demanded by Messrs. Odell and Hawthorn.

*Those who voted in the affirmative were,*

Messrs. Anthony, Barton, Edsall, Gant, Gibson, Glazebrook, Humphreys, Jackson of Madison, Morrison, Roberts, Shook, Slater, and Sullivan—13.

*Those who voted in the negative were,*

Messrs. Adams, Barnett, Brown, Butler, Combs, Cox, Cutshaw, Griggs, Hall, Hawthorn, Hendry, Horton, Hosbrook, Jackson of

Tipton, Kightley, Meeker, Odell, Powell, Richardson, Robinson, Shallenberger, Simpson, Spaun, Vandeventer, Williams, Wilson of Jay and Witherow—27.

So the report was not concurred in.

The bill was then ordered to a third reading.

Mr. Butler from the committee on Enrolled Bills submitted the following report:

MR. PRESIDENT:

The committee on Enrolled Bills have compared bill of the Senate No. 109, a bill authorizing railroad companies to change their names, with the engrossed copy, and find the same correctly enrolled.

The following message was received from the House of Representatives by Mr. Bowes their Clerk:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the Speaker has signed the accompanying enrolled bill of the Senate, No. 109, an act authorizing railroad companies to change their names,

Which I am directed to bring to the Senate for the signature of the President thereof.

Whereupon the President affixed his signature thereto.

Mr. Glazebrook from the joint committee on Enrolled Bills, made the following report:

MR. PRESIDENT:

The joint committee on Enrolled Bills have this day presented Senate bill No. 109, a bill authorizing railroad companies to change their names, to the Governor for his signature.

Mr. Sullivan submitted the following resolution:

*Resolved*, That the committee on the Judiciary be instructed to report to the Senate a bill re-establishing the rights of a widow to the real estate of her husband dying intestate, as the same stood under the laws in force prior to the enactment of an act approved May 14, 1852, entitled "an act regulating descents, and the appportionment of estates and re-establishing tenancies by the courtesy and in dower, and repealing so much of the above entitled act as conflicts with such prior laws except sections 19, 20 and 21, and except sections 25 and 26, which shall be so modified that one-third of the real estate shall go the widow in fee simple.

The question being on the adoption of the resolution, after considerable debate.

Mr. Wil-on of Harrison moved the previous question;  
Which was not seconded by the Senate.

Mr. Sullivan moved that the Senate adjourn;  
Which was not agreed to.

On motion by Mr. Gibson.

The resolution was laid on the table.

Mr. Edsall submitted the following resolution:

*Resolved*, That when the Senate adjourns, it will adjourn to meet to-morrow morning.

The question being on the adoption of the resolution,

The ayes and noes were demanded by Senators Edsall and Sullivan.

*Those who voted in the affirmative were,*

Messrs. Barton, Black, Brookshire, Butler, Cox, Cutshaw, Edsall, Gibson, Greathouse, Gordon, Horton, Reynolds, Shallenberger, Slater, Sullivan, and Williams—16.

*Those who voted in the negative were,*

Messrs. Adams, Barnett, Brown, Combs, Edwards, Gant, Glazebrook, Griggs, Hall, Harris, Hendry, Hosbrook, Humphreys, Jackson of Madison, Meeker, Morrison, Odell, Powell, Roberts, Robinson, Shields, Shook, Simpson, Spann, Wilson of Harrison, Wilson of Jay, and Witherow—27.

So the resolution was not adopted.

The following resolution was offered by Mr. Gant:

*Resolved*, That the clerk heretofore employed by the committee on the Judiciary be discharged.

The question being on the adoption of the resolution,

The ayes and noes were demanded by Messrs. Gant and Glazebrook.

*Those who voted in the affirmative were,*

Messrs. Adams, Butler, Gant, Glazebrook, Hendry, Meeker, Robinson, Shallenberger, Shields, Shook, Simpson, Williams, Wilson of Harrison, and Wilson of Jay—14.

*Those who voted in the negative were,*

Messrs. Barnett, Barton, Black, Combs, Cox, Cutshaw, Edsall, Edwards, Gibson, Greathouse, Griggs, Gordon, Hall, Harris, Hawthorn, Horton, Hosbrook, Humphreys, Jackson of Madison, Kightley, Morrison, Odell, Powell, Reynolds, Roberts, and Sullivan—27.

So the resolution was not adopted.

Mr. Morrison submitted the following resolution:

*Resolved*, That during the remainder of the session, the Senate will meet at eight o'clock in the morning, and at one o'clock in the afternoon, unless otherwise ordered by two-thirds of this body.

Mr. Wilson of Harrison moved to amend by inserting in the proper place, "half past eight," and "half past one."

Which was not agreed to.

The question being on the adoption of the resolution,

The ayes and noes were demanded by Messrs. Morrison and Shook.

*Those who voted in the affirmative were,*

Messrs. Barnett, Barton, Brown, Combs, Gant, Gibson, Glazebrook, Hall, Harris, Hawthorn, Hendry, Hosbrook, Humphreys, Morrison, Odell, Powell, Roberts, Shook, Simpson, and Wilson of Jay—20.

*Those who voted in the negative were,*

Messrs. Adams, Black, Cox, Cutshaw, Edsall, Edwards, Greathouse, Griggs, Gordon, Horton, Jackson of Madison, Kightley, Meeker, Robinson, Shallenberger, Shields, Slater, Spann, Sullivan, Williams, Wilson of Harrison, and Witherow—22.

So the resolution was not adopted.

Mr. Brown moved that the Senate adjourn;

Which was decided in the negative.

Mr. Sullivan moved to reconsider the vote on the resolution to adjourn until to-morrow morning.

Which was agreed to.

The question being on the adoption of the resolution,

Mr. Brown moved to amend by striking out "to-morrow," and inserting "3 o'clock this afternoon."

Which motion prevailed.

The resolution was then adopted.

On motion by Mr. Adams,

The Senate adjourned.

3 O'CLOCK, P. M.

The Senate assembled.

The hour having arrived, according to previous order, the Senate resolved itself into committee of the Whole on Senate bill No. 102, Mr. Brown in the chair.

A bill fixing the time of holding the courts of common pleas, and the length of the terms thereof, in the several counties of the State.

After having spent some time in the consideration of the bill, the committee arose and made the following report by their chairman.

MR. PRESIDENT:

The committee of the Whole, to whom was referred Senate bill No. 102, have had the same under consideration, and would report the same back with sundry amendments, and ask to be discharged from the further consideration thereof.

In the county of Bartholomew, on the first Monday in January, April, July and October, and shall sit three weeks, if the business shall require it.

In the county of Brown, on the Mondays succeeding the courts in the county of Monroe.

In the county of Allen, on the first Mondays of January, April, July and October, and shall sit four weeks each.

In the county of Adams, on the first Mondays of February, May, August, November, and shall sit two weeks each.

In the county of Dearborn, on the first Mondays of January, April, July and October, and shall sit three weeks, if the business requires it.

In the county of Dubois, on the second Mondays of January, April, July and October, in each year, and shall sit one week each, if the business requires it.

In the county of De Kalb, on the first Mondays of January, April, July and October, and shall sit one week each.

In the county of Hamilton, on the first Mondays of February, May, August and November, and may sit three weeks, if the business shall require it.

In the county of Gibson, on the third Monday in January, third Monday in April, third Monday in July, and third Monday in October, and shall sit two weeks, if the business require.

In the county of Harrison on the third Mondays of January, April, July and October, and shall sit two weeks at each term, if the business require it.

In the county of Crawford, on the third Mondays of February, May, August, and November, and shall sit one week if the business require it.

In the county of Hendricks amend by inserting the fourth Mondays in January, April, July and October, and shall sit two weeks at each term, if the business require it.

In the county of Henry, on the first Mondays in January, April, July and October, and shall sit three weeks, if the business require it.

In the county of Madison, on the first Mondays in January, April, July and October, and shall sit two weeks, if the business require it.

In the county of Hancock, on the Mondays succeeding the courts in the county of Madison, and to sit two weeks, if the business require it.

In the county of Jefferson, on the first Monday in January, third Monday in April, first Monday in July, third Monday in October, and remain in session three weeks each term, if the business requires it.

In the county of Jennings, on the first Monday in January, first Monday in April, first Monday in July, first Monday in October, and to remain in session two weeks each term, if the business require it.

In the county of Johnson, on the first Monday in January, first Monday in April, first Monday in July, first Monday in October, and sit three weeks each term, if the business require it.

In the county of Randolph, on the fourth Monday in January, fourth Monday in April, fourth Monday in July, fourth Monday in October, and remain in session two weeks each term, if the business require it.

In the county of Jay, on the Mondays succeeding the courts in the county of Randolph, and remain in session one week each term, if the business require it.

In the county of Kosciusko, on the first Monday in March, June, September and December, to hold three weeks, if the business require it.

In the county of Lagrange, on the Monday succeeding the courts in the county of Elkhart, and shall sit two weeks, if the business require it.

In the county of Lake, on the fourth Monday succeeding the courts in the county of Laporte.

In the county of Laporte, on the first Monday in January, April, July and October, and shall sit three weeks, if the business require it.

In the county of Marion, on the first Monday in January, April, July and October, and sit four weeks, if the business require it.

In the county of Monroe, on the fourth Monday in January, April, July and October, and sit two weeks.

In the county of Morgan, on the first Monday in January, April, July and October, and sit three weeks, if the business require it.

In the county of Orange, on the second Mondays of February, May, August and November, and shall sit two weeks at each term, if the business require it.

In the county of Pike, on the first Mondays in February, May,

August and November in each year, and sit two weeks if the business require it.

In the county of Putnam on the first Monday in December, April, July and October, and shall sit three weeks if the business require it.

In the county of Porter, the 3d Monday succeeding the courts in Laporte, and sit one week if the business require it.

In the county of Ripley the 4th Monday in January, April, July and October and shall sit two weeks if the business thereof require it.

In the county of Shelby, three weeks if the business require it.

In the county of Steuben the 4th Monday of January, April, July and October, and shall sit one week each term.

In the county of Tipton on the first Monday in December, first Monday in March, first Monday in June, first Monday in September, and remain in session one week each term if the business requires it.

Amend by inserting the first Monday in March, June, September and December, and to remain in session two weeks provided the business require it.

In the county of Vigo, one week added to the present number.

In the county of Wayne, the first Monday in January, April, July and October, and shall sit four weeks each term if the business require it.

In the county of Wabash on the first Monday of January, April, July and October, and sit three weeks if the business require it.

In the county of Washington on the first Monday in January, April July and October, and shall sit two weeks if the business require it.

In the county of Warrick, on the third Monday in March, June, September and December, and sit three weeks if the business require it.

In the county of Fountain, remain as it now is, and to sit two weeks if the business require it.

In the county of Montgomery, as it was, and may sit three weeks at each term, if the business require it.

In the county of Boone, as it was, and may sit two weeks at each term if the business require it.

In the county of Franklin, in January, April, July and October, and shall sit three weeks if the business require it.

In the county of Tippecanoe on the first Monday in January, April, July and October, and shall sit three weeks if the business require it.

In the county of Fayette on the fourth Monday in January, April, July and October, and shall sit two weeks if the business require it.

In the county of Ohio, as it was, and shall sit two weeks if the business require it.

In the county of Floyd, on the first Monday in January; first Monday in April; first Monday in July; first Monday in October, and to sit three weeks each term if the business require it: *Provided,*

that if the circuit court of said county shall be in session at the same time, the common pleas shall be held on the Monday succeeding the term of the circuit courts.

Which report was concurred in, and the amendment adopted.

When,

On motion by Mr. Anthony,

The bill was referred to the committee on the Organization of Courts.

On motion by Mr. Brown,

The resolution submitted by Mr. Sullivan this morning, was taken from the table.

Mr. Morrison submitted the following amendment:

Amend the resolution so that in all cases where the real estate consists of wild lands, or is otherwise unproductive of annual income, to the amount of one hundred and fifty dollars, then and in such cases upon proper proof before the court of common pleas, the court may authorize the sale of a sufficient portion of such lands, and the investment of the proceeds in State bonds, or other safe investment, so as to produce an annual income of one hundred and fifty dollars, to be enjoyed by the widow.

Which was not adopted.

The question being on the adoption of the resolution,

The ayes and noes were demanded by Senators Gibson and Sullivan.

*Those who voted in the affirmative were,*

Messrs. Adams, Anthony, Barnett, Barton, Black, Edwards, Gant, Glazebrook, Greathouse, Gordon, Helm, Hosbrook, Humphreys, Jackson of Tipton, Kightley, Meeker, Morrison, Odell, Powell, Reynolds, Roberts, Shields, Shook, Simpson, Slater, Sullivan, Vandeventer, Williams, Wilson of Harrison, Wilson of Jay, and Witherow—29.

*Those who voted in the negative were,*

Messrs. Brookshire, Brown, Butler, Combs, Cox, Cutshaw, Edsall, Gibson, Griggs, Hall, Hawthorn, Hendry, Horton, Jackson of Madison, Shallenberger and Spann—16.

So the resolution was adopted.

By unanimous consent of the Senate,

Mr. Gordon obtained leave and submitted the following report from a select committee:

**MR. PRESIDENT :**

The select committee to whom was referred Senate bill No. 106, a bill to amend an act entitled "an act regulating the fees of officers,"

approved June 16, 1852, have had the same under consideration, and have directed me to report the same back to the Senate with the following amendments, and when so amended, recommend its passage.

Strike out after the words "for recording deeds and mortgages, and the acknowledgment thereof, for the first hundred or less words," the words "fifty cents," (50 cents,) and insert in lieu thereof, "seventy-five (75) cents."

Amend the first section of the clerk's fees of supreme court, by striking out after the words "making up and entering the complete record, per sheet of 100 words 10," and insert in lieu thereof, 12½.

By striking out in same section, after the words "filing each paper in a case," the word five (5) and insert in lieu thereof the word six (6.)

Which report was concurred in, and the amendments adopted.

Mr. Gibson moved to suspend the rules and read the bill a second time by its title.

The question being on suspending the rules,

*Those who voted in the affirmative were,*

Messrs. Adams, Anthony, Black, Cox, Edsall, Gibson, Gordon, Harris, Hosbrook, Humphreys, Jackson of Tipton, Kightley, Morrison, Odell, Reynolds, Shields, Slater, and Williams—18.

*Those who voted in the negative were,*

Messrs. Barnett, Brookshire, Brown, Butler, Combs, Cutshaw, Edwards, Gant, Glazebrook, Griggs, Hall, Hawthorn, Helm, Horton, Jackson of Madison, Meeker, Roberts, Robinson, Shallenberger, Shook, Simpson, Spann, Vandeventer, Wilson of Harrison, Wilson of Jay, and Witherow—26.

So the rules were not suspended.

The bill was then read a second time.

Mr. Brookshire offered the following amendment: Amend fees in justices' court,

Swearing each witness.....	6 cents.
Each one hundred words therein contained, more than one hundred words.....	12½ "
For every witness or record not herein provided, every one hundred words.....	12½ "
For certifying copy of proceedings, every one hundred words.....	12½ "
For entering continuance.....	12½ "
For each transfer of judgment.....	15 "
Administering each oath not herein contained.....	6 "
Swearing jury.....	12½ "

Making up docket, for every one hundred words . . . . .	12½ cents
Making return of fines to court, for each mile necessarily travelled . . . . .	6 “
Transmitting papers in case of appeal . . . . .	25 “
Constables fees in civil cases—Returning each writ . . . . .	10 “
Returning execution . . . . .	15 “
Constable's fees in criminal cases . . . . .	—
Which was not adopted.	

Mr. Wilson of Harrison moved to amend by striking out from clause regulating witnesses' fees before a justice :

Witnesses shall claim their fees on the day of trial before the judgment docket is signed by the justice.

Which was not adopted.

Mr. Barnett moved to amend “by striking out the last section,”

Which was agreed to.

The question recurring on the engrossment of the bill,

The ayes and noes were demanded by Senators Shook and Glazebrook.

*Those who voted in the affirmative were,*

Messrs. Adams, Anthony, Black, Butler, Cox, Cutshaw, Edsall, Gibson, Greathouse, Gordon, Hosbrook, Humphreys, Jackson of Madison, Jackson of Tipton, Odell, Reynolds, Slater, Spann, Sullivan, Wilson of Harrison and Witherow—21.

*Those who voted in the negative were,*

Messrs. Barnett, Brookshire, Brown, Combs, Edwards, Gant, Glazebrook, Griggs, Hall, Harris, Hawthorn, Helm, Hendry, Horton, Kightley, Meeker, Morrison, Powell, Roberts, Robinson, Shellenberger, Shields, Shook, Simpson, Vandeventer, Williams and Wilson of Jay—27.

So the bill was not ordered to be engrossed.

Mr. Edwards submitted the following resolution :

*Resolved,* That the committee on the Judiciary be instructed to report back to the Senate on to-morrow bill No. —, of the Senate in relation to the modification of the law of descents and to revise in part the act of 1843, of tenants by courtesy and in dower.

Which was not adopted.

On motion by Mr. Humphreys,

The vote taken adopting the resolution submitted by Mr. Sullivan, Was reconsidered; and,

On motion by Mr. Gibson,

The resolution was laid on the table.

By unanimous consent of the Senate,

Mr. Humphreys obtained leave and submitted the following report:

MR. PRESIDENT:

The select committee to whom was referred House bill No. 114, a bill for the relief of Henry Pettinger of Delaware county, and prescribing the duties of the auditor of said county in relation thereto, have had the same under consideration, and a majority of said committee have directed me to report the same back and recommend its passage.

Which report was concurred in,

The bill read a second time and ordered to a third reading.

On motion by Mr. Harris,

*Resolved*, That the committee on Public Printing be requested to report the bill without further delay, fixing the compensation of the State Printer, as required by a previous resolution of the Senate.

Mr. Cox introduced the following bill:

No. 121. A bill requiring the completion of certain turnpike roads, plank roads and gravel roads therein specified,

Which was read the first time, and passed to a second reading.

#### ORDERS OF THE DAY.

##### *Senate bills on second reading.*

No. 117. A bill providing for the speedy determination by the supreme court of the constitutionality of any law of this State,

Was read the second time and ordered to be engrossed.

No. 118. A bill authorizing the Governor to contract for the erection of an additional number of cells at the Penitentiary, and for making certain improvements upon the grounds thereof,

Was read a second time.

Mr. Shook moved to lay the bill on the table and print one hundred copies,

Which was not agreed to.

When Mr. Shook submitted the following amendment:

Strike out 4,000 dollars and insert 2,000 dollars.

Mr. Gibson moved a division of the question.

The question being first on striking out;

Pending which,

On motion by Mr. Gibson,

The Senate adjourned.

WEDNESDAY MORNING, 9 o'clock, }  
February 23, 1853. }

The Senate assembled.

On motion by Mr. Meeker,  
The reading of the journal was dispensed with.

PETITIONS, MEMORIALS, &C.

By Mr. Black:

The petitions of sundry citizens of Carroll county, on the subject of exempting certain persons from the payment of school tax;  
Which was,  
On motion,  
Referred to the committee on Education.

By Mr. Cox:

The petition of James G. Sloan and 24 other citizens of this State, on the subject of the manufacture and sale of ardent spirits;  
Which was,  
On motion,  
Referred to the committee on Temperance.

By Mr. Slater:

The remonstrance of numerous citizens of Lawrenceburgh against the repeal of a certain railroad act;  
Which was,  
On motion,  
Referred to the select committee already appointed on that subject.

REPORTS FROM COMMITTEES.

By Mr. Barton, from the committee on Benevolent Institutions:

MR. PRESIDENT:

The committee on Benevolent Institutions, to whom was referred House bill No. S3, entitled "an act to amend an act entitled "an act for the support and management of the Indiana Institute for the Education of the Blind," approved June 18, 1852; also, amendatory of an act entitled "an act to provide for the government and support of the Institution for the Education of the Deaf and Dumb," approved June 14, 1852, have had the same under consideration, and have directed me to report it back with the following amendments, and when so amended, they recommend its passage.

Amend 1st, by adding to the title the following: "And an act for the government of the Indiana Hospital for the Insane, and the care of the Insane of Indiana," approved January 15, 1852."

2d. Add at the end of the preamble the following: "and the Insane."

3d. Amend section 1 by striking out "six," when it occurs, and inserting "four" in lieu thereof, and insert immediately following the word "trustees," the following: "and the Hospital for the government of the Insane by six trustees."

4th. Strike from section two the word "six," and insert in lieu thereof "four;" and insert after the word "institution," fourth line, the following: "Except for the Hospital for the Insane, for which there should be elected six trustees."

5th. Strike out of section four the words, "the two," in the third line, and insert, "more than one of the."

6th. Add the following section:

SEC. 5. The present trustees and commissioners of said institutions shall vacate their offices on the first day of April, 1853, and their successors shall proceed on said day to be qualified, and to enter on the discharge of the duties of their office, under the restrictions herein provided.

7th. Add also, the following section:

SEC. —. As by the provisions of this act, an election for trustees is therein provided at the present session of the General Assembly, it is hereby declared that an emergency exists for the immediate taking effect of this act, and the same shall be in force from and after its passage.

Which report was concurred in, the amendments adopted, the bill read the second time.

Mr. Gibson moved that the rules be suspended, the amendments considered as engrossed, and the bill read a third time now.

The question being on suspending the rules;

*Those who voted in the affirmative were,*

Messrs. Adams, Anthony, Barton, Black, Brookshire, Brown, Butler, Combs, Cox, Cutshaw, Edsall, Edwards, Gant, Gibson, Glazebrook, Griggs, Hall, Harris, Hawthorn, Helm, Hendry, Horton, Hosbrook, Humphreys, Jackson of Tipton, Kightley, Meeker, Morrison, Powell, Richardson, Roberts, Shallenberger, Shields, Shook, Simpson, Slater, Spann, Vandeventer, Williams, Wilson of Harrison, Wilson of Jay, and Witherow—43.

No Senator voted in the negative.

So the rules were suspended, and the bill read a third time;

The question being on the passage of the bill;

*Those who voted in the affirmative were,*

Messrs. Adams, Anthony, Barton, Black, Brookshire, Brown, Butler, Combs, Cox, Cutshaw, Edsall, Edwards, Gant, Gibson, Glazebrook, Griggs, Gordon, Hall, Harris, Hawthorn, Helm, Hendry, Horton, Hosbrook, Humphreys, Jackson of Tipton, Meeker, Morrison, Powell, Richardson, Robinson, Shallenberger, Shields, Shook, Simpson, Slater, Spann, Williams, Wilson of Harrison, Wilson of Jay, and Witherow—41.

No Senator voting in the negative.

So the bill passed.

Ordered that the Secretary inform the House thereof.

By Mr. Barton, chairman of the committee on Benevolent Institutions:

MR. PRESIDENT:

The committee on Benevolent Institutions to whom was referred House bill No. 55, entitled "an act for the government of the Indiana Hospital for the Insane," approved January 15, 1852, have had the same under consideration, and have directed me to report it back, and recommend that it be laid on the table, as another bill on the same subject and more comprehensive in its provisions is pending before the Senate, and they ask to be discharged from the further consideration of the subject.

Which report was concurred in by the Senate.

By Mr. Horton chairman of the committee on County and Township business:

MR. PRESIDENT:

The committee on county and township business, to whom was referred a resolution referring so much of Governor's message as relates to the erection of work houses of refuge in connection with our county jails to said committee, have had the same under consideration and have directed me to report that it is inexpedient to legislate upon the subject and ask to be discharged from its further consideration.

Which report was concurred in.

Mr. Greathouse introduced the following bill:

No. 122. A bill fixing the time of holding courts in the third judicial circuit.

Which was read the first time and passed to a second reading.

Mr. Harris introduced the following bill:

No. 123. A bill to amend section 13, chapter 1, part 4, volume 2, of the Revised Statutes of 1852, of an act entitled an act providing for the election and qualification of justices of the peace, and defining their jurisdiction, powers and duties in civil cases.

Which was read the first time and passed to a second reading.

On motion by Mr. Wilson of Harrison,

The following message from the House of Representatives, was taken up.

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate, that the House have passed the following enrolled bill thereof:

No. 47. A bill to authorize the relocation of the seat of justice of the county of Clay, and to authorize the receiving of subscriptions and donations for the erection of public buildings in said county, the Governor's objections to the contrary notwithstanding—which with the Governor's objection thereto I am directed to bring to the Senate for their consideration.

*Gentlemen of the House of Representatives:*

I return the bill of your House No. 47, entitled "an act to authorize the re-location of the seat of justice of the county of Clay, and to authorize the receiving of subscriptions and donations for the erection of public buildings in said county," without my approval, with a brief statement of the reasons which influenced me to withhold my signature.

This is a special law—it is a local law, designed to operate only in the county of Clay. It will not affect, or operate upon, the people of any other county; therefore, it is not uniform or general.

The 22d section of article 4 of the constitution, enumerates certain subjects upon which the General Assembly shall not pass local or special laws; and the 23d section of the same article, immediately following, provides as follows:

"In all cases enumerated in the preceding section, and *in all other cases* where a general law can be made *applicable*, all laws shall be general and of uniform operation throughout the State."

The question arises, what class of cases comes within the meaning of this section? It was evidently designed for some purpose. If it is not applicable to questions growing out of the location and re-location of county seats—if it were not intended to meet the numerous class of cases which necessarily arise in connection with county business, I am at a loss to determine the object in view by the framers of the constitution.

The position assumed, that the constitutional convention did not intend to embrace the removal of county seats in prohibitions on local legislation, because the subject is not among the enumerated cases, can only be maintained by further inferring that no meaning whatever was intended to be expressed in the 23d section. If it means anything at all, it can only be applied to cases not enumerated. The enumerated cases are prohibited in the 22d section; and if the assumption can be maintained that, because a subject is not prohibited by the special enumeration of the 22d section, it is therefore to be presumed to be without the meaning of the 23d section, it would be difficult to give any force, or affirm any meaning, to the latter section. If all subjects not enumerated in the 22d section are left open to special and local legislation, it is very clear that the 23d section would be alike without meaning or use in the constitution. If it is admitted that the 23d section is not a nullity, as the inference attempted to be drawn would make it, the whole question would seem to turn upon the meaning of the word "applicable." The word is defined by Webster—"that may be applied—fit to be applied." Can a general law be framed that "may be applied" to the removal of the county seat of Clay county? And has the Legislature the power to pass such a law? If these questions be answered in the affirmative, there can be, it seems, but one conclusion as to the constitutionality of the law under consideration. It would be clearly within the prohibition of the 23d section.

The usual course by which county seats have been located and re-located heretofore, has been by designating by the Legislature certain named commissioners, who have been vested with power to make such location or re-location. In acting upon such questions, the General Assembly have always sought to be governed by the wishes of the people of the county, expressed by petition. These precedents would seem to point out the features of a general law.

*First.* That the will of a majority of the people of a county should be expressed by petition.

*Second.* When that will was expressed in favor of a re-location, that commissioners should be appointed.

And who, I would ask, so competent to select those commissioners as the people of the county interested? A general law that should provide that, on the petition of a majority of the voters of any county, the Governor, or other officer named, should order an election to be held for the purpose of electing a certain number of commissioners with certain restricted powers, as to the re-location of county seats, would, it is submitted, be "applicable" to every county in the State. In its application to Clay county, it would only differ from the local act under consideration, in providing for an election by the people of the county, of the commissioners, instead of their appointment by the Legislature. It will surely not be contended that this slight difference would make the

general law inapplicable to Clay county. In this bill there is no provision by which the people of the county of Clay may, effectually, express their sentiments or views as to the proper place for the location of their county seat. The power to determine this is given, absolutely, to the commissioners named. By the provisions of a general law, the people, in electing the commissioners, might express their choice as to the place, and other incidents, of the location; and hence, a selection made under the provisions of a general law would be as likely to give satisfaction, as any that could be made by commissioners appointed by the legislature.

It may be said, and, indeed, has been, that for various reasons not necessary to be here stated, such a law is not likely to be enacted. Without expressing any opinion as to the question, I would ask if it is meant by this, to assert the principle, where the legislature refuses to pass a general law, local legislation would, for that reason, be legitimate? But it is contended that a general law, to be "applicable," must be "in consonance with the true interests of the people;" and the inference seemingly drawn from this assumed position is, that when the provisions of a particular law would be "in consonance with the true interests" of the people of one county, while they might affect adversely the interests of the people of other counties, that therefore, no general law could be made applicable; and, consequently, local legislation ought to be resorted to. This is but saying, in other words, that, because a majority of the legislature may deem a general law inexpedient, and refuse to pass it, that the same law may be constitutionally enacted to be in force in a single county, the people of which considering it "in consonance with their interests."

There are but few general laws of the State that meet with universal approbation; and there are many of these that bear hardly upon the interests of certain sections. The mercantile counties demand a higher rate of interest to be allowed, and it is, possibly, to their advantage that it should be so. Agricultural counties find their true interest in keeping the rate of interest at the present standard. Would this diversity of interest authorize a different law for each county in the State? Or does it render the present general law inapplicable? It is true that the subject of interest is among the enumerated cases; but I submit the analogy, upon the supposition that the 23d section was the only one governing the example.

Among the enumerated subjects of the 23d section is "county business." Suppose it had not been so enumerated, would not the same argument have proved that, owing to the divers interests of the people of the several counties, no general law could be made "applicable" on that subject? But the prohibition, as to "county business," is made positive; and therefore we would have the Constitution requiring of the Legislature the passage of a general law upon the subject of "county business," where, according to the

reasoning of some, the general law could not be made applicable.

The subject of "fees and salaries," among those enumerated, presents a still stronger case. The same rate of fees which makes an office lucrative in a large county, affords the most meagre compensation in one more sparsely populated. Shall we say, therefore, that a general law cannot be made applicable to the subject of "fees and salaries?"

But let us take a case not among the enumerated subjects. The people of the prairie counties of the north find it to their interest to prohibit the running at large of stock, during the months in which grain is in the field. Such a law enables them to dispense with fences, in a country where fences cannot be made without great expense. But, on the other hand, a large majority of the people of the State would find such a law not "in consonance with their interests." Has the Legislature the right to pass a local law on the subject? If they have, then the 23d section is, indeed, a nullity; and every subject not specially enumerated in the 22d section, is open to local legislation.

It is further said that the removal of a county seat, is a legislative act, when performed by the commissioners of the county. It is difficult to perceive why it is not equally a legislative act when executed by certain commissioners named in the law under consideration; and if the Legislature cannot delegate that power to the county commissioners, such a delegation is equally void with respect to the commissioners named in the act referred to.

There is now pending before the House of Representatives a general law providing for the removal of county seats. It is presumed that, if such a law is enacted, it will be with all proper guards and checks, to prevent useless agitation of such questions, and to insure a faithful execution of the wishes of the people of each county, with regard to their county seats. Suppose that bill should become a law, will it not be applicable to the county of Clay? And will not its enactment be an unanswerable argument to prove the unconstitutionality of the local act under consideration? To admit that the act under consideration would be unconstitutional if the general bill should become a law, and yet contend that it would be valid in the absence of a general law, is to make the Constitution itself dependent for its meaning upon the action of the Legislature, and that, too, in the construction of the very section designed to limit and restrict legislative powers.

During the last session of the General Assembly, the court-house at Bowling Green, Clay county, was destroyed by fire, and all the public records. The Senate passed a special act for the purpose of re-instating the records, perpetuating testimony, &c. The House struck it out from the enacting clause, and inserted a general law to meet all such cases. The bill thus amended became a law, and is now in force. Subsequently, the court-house of Franklin county was destroyed, with its records. Both of these cases have been

promptly met and remedied, so far as I have heard, by the general law. We have thus been saved the expense and labor incident to special legislation; and a general law is provided, uniform in its operation, to meet all cases that may arise by the destruction of public records. Thus is furnished an illustration of the application of a general law to a case which was supposed to be relievable only by special legislation.

It will take time to perfect our laws. It is not the work of a day, or a year, to make a uniform code,—one that shall be adapted to all the wants and exigencies of a people who have lived for more than a third of a century under a system of local and special legislation. The great beauty of our new Constitution, however, is found in the fact that we now bring the ability, wants and energies of our people, all to bear, and to have their full force, in perfecting a uniform law for the people of the State.

If the General Assembly shall pass a general law on this subject, that does not protect the rights of the people of the different counties,—which does not give them a fair opportunity to have their will carried out in relation to county seats,—*time, as an element that enters into everything valuable*, will soon apply the remedy by general legislation. It is far better to suffer some temporary inconvenience, than to go back to that system of local and special legislation which had well nigh made our laws the mere local opinions of the different townships and counties, in place of the combined wisdom of a great people. Our legislation will be more pure and elevated, when it is confined in its operation to laws that affect the whole people.

We have heretofore suffered in our finances and character, by local and special legislation. I had hoped that such a construction would be given to the Constitution as was, undoubtedly, intended by its framers, and as I think its spirit and words mean,—that, in the future, we should be able, at least, to present a code of uniform laws on the subject of *county business*.

We are, doubtless, departing from uniform and general laws in many cases; and it is possible that this is one where it is constitutional to do so. But I feel, on this occasion, after the hasty consideration given to the subject, that it is my imperative duty to ask the representatives of the people to reconsider this measure. In this determination I am greatly strengthened by the fact that at the first session of the General Assembly under the new Constitution, the Judiciary committees of both Houses, composed of the ablest men of the State, (many of whom were in the Convention that adopted the Constitution,) and the only Judiciary committee to whom this subject has been referred at this session, have all decided against the constitutionality of this bill.

The subject is most respectfully submitted to your reconsideration.

Feb. 22, 1853.

JOSEPH A. WRIGHT.

The question being on the passage of the bill, the veto of the Governor to the contrary notwithstanding,

Mr. Black moved to lay the bill on the table and print 200 copies. Which was decided in the negative.

On motion by Mr. Edwards,  
The vote on laying the bill on the table, was reconsidered.  
And the question then being on laying the bill on the table,  
It was decided in the affirmative.

On motion by Mr. Brown,  
Two hundred copies of the Governor's veto message were ordered to be printed.

Mr. Griggs moved to print 200 copies of the report of the select committee on the subject of the removal of the county seat of Clay county.

Mr. Humphreys moved to amend by printing all the reports on that subject.

On motion by Mr. Adams,  
The motion of Mr. Griggs, and the amendment proposed by Mr. Humphreys, were laid on the table.

#### ORDERS OF THE DAY.

The Senate resumed the consideration of Senate bill No. 118, "a bill authorizing the Governor to contract for the erection of an additional number of cells at the penitentiary, and for making certain improvements upon the grounds thereof," which was pending at the adjournment yesterday.

The question recurring upon Mr. Shook's amendment,  
Upon which the ayes and noes were demanded by Messrs. Shook and Humphreys.

A division of the question was called for; when,  
The question being on striking out \$4,000,  
Upon which the ayes and noes were demanded by Messrs. Shook and Spann.

*Those who voted in the affirmative were,*

Messrs. Adams, Barnett, Barton, Black, Brookshire, Brown, Cuthaw, Edsall, Edwards, Gant, Gibson, Glazebrook, Greathouse, Gordon, Helm, Hendry, Humphreys, Jackson of Madison, Morrison, Odell, Richardson, Robinson, Shields, Shook, Wilson of Harrison, and Witherow—26.

*Those who voted in the negative were,*

Messrs. Anthony, Butler, Combs, Cox, Griggs, Hall, Harris, Haw-

thorn, Horton, Hosbrook, Jackson of Tipton, Meeker, Powell, Roberts, Shallenberger, Simpson, Spann, Vandeventer, Williams, and Wilson of Jay—20.

So the motion prevailed.

On motion by Mr. Gibson,  
To fill the blank with twelve thousand dollars,  
Upon which the ayes and noes were demanded by Messrs. Shook and Shields.

*Those who voted in the affirmative were,*

Messrs. Barton, Black, Cox, Edsall, Edwards, Gibson, Greathouse, Griggs, Gordon, Jackson of Madison, Richardson, Roberts, and Wilson of Harrison—13.

*Those who voted in the negative were,*

Messrs. Adams, Anthony, Barnett, Brookshire, Brown, Butler, Combs, Cutshaw, Gant, Glazebrook, Hall, Harris, Hawthorn, Helm, Hendry, Horton, Hosbrook, Humphreys, Jackson of Tipton, Kightley, Meeker, Morrison, Odell, Powell, Robinson, Shallenberger, Shields, Shook, Simpson, Spann, Sullivan, Vandeventer, Williams, Wilson of Jay, and Witherow—35.

So the motion was lost.

Mr. Spann moved to fill the blank with five thousand dollars; when Mr. Black moved to amend by inserting ten thousand dollars.

Upon which the ayes and noes were demanded by Messrs. Shook and Spann.

*Those who voted in the affirmative were,*

Messrs. Barton, Black, Cox, Edsall, Edwards, Gibson, Greathouse, Griggs, Gordon, Jackson of Madison, Richardson, Roberts, and Wilson of Harrison—13.

*Those who voted in the negative were,*

Messrs. Adams, Anthony, Barnett, Brookshire, Brown, Combs, Cutshaw, Gant, Glazebrook, Hall, Harris, Hawthorn, Helm, Hendry, Horton, Hosbrook, Humphreys, Jackson of Tipton, Kightley, Morrison, Odell, Powell, Robinson, Shallenberger, Shields, Shook, Simpson, Spann, Sullivan, Vandeventer, Williams, Wilson of Jay, and Witherow—34.

So the amendment was lost.

The question recurring upon the motion by Mr. Spann.

Mr. Wilson of Harrison moved to amend by inserting \$7,000.

Upon which the ayes and noes being demanded by Messrs. Shook and Spann.

*Those who voted in the affirmative were,*

Messrs. Anthony, Barton, Black, Cox, Edsall, Edwards, Gibson, Greathouse, Griggs, Gordon, Jackson of Madison, Meeker, Morrison, Odell, Richardson, Roberts and Wilson of Harrison—17.

*Those who voted in the negative were,*

Messrs. Adams, Barnett, Brookshire, Brown, Butler, Combs, Cutshaw, Gant, Glazebrook, Hall, Harris, Hawthorn, Helm, Hendry, Horton, Hosbrook, Humphreys, Jackson of Tipton, Kightley, Powell, Shallenberger, Shields, Shook, Simpson, Spann, Vandeventer, Williams, Wilson of Jay and Witherow—29.

So the motion was lost.

Mr. Wilson of Harrison moved to amend by inserting \$6,000,

Which motion did not prevail; when

Mr. Spann withdrew his motion.

Mr. Shields moved to fill up the blank by inserting \$2,000; when

Mr. Wilson of Harrison moved to amend by inserting \$5,000.

Upon which the ayes and noes being demanded by Messrs. Glazebrook and Shook.

*Those who voted in the affirmative were,*

Messrs. Anthony, Barton, Butler, Combs, Cox, Edsall, Edwards, Gibson, Greathouse, Griggs, Hall, Harris, Hawthorn, Horton, Hosbrook, Jackson of Madison, Jackson of Tipton, Meeker, Morrison, Richardson, Roberts, Robinson, Wilson of Harrison, Wilson of Jay and Witherow—25.

*Those who voted in the negative were,*

Messrs. Adams, Barnett, Black, Brookshire, Brown, Cutshaw, Gant, Glazebrook, Gordon, Helm, Hendry, Humphreys, Kightley, Odell, Powell, Shallenberger, Shields, Shook, Simpson, Spann, Vandeventer and Williams—22.

So the motion prevailed.

The bill was then read a second time, when

Mr. Edwards offered the following amendment:

Strike out the 5th section and insert the following words:

It shall be left discretionary with the Governor hereafter to contract for and cause to be done, such work on the State Prison as shall be necessary to secure the safety, health and comfort of the convicts, to be paid for out of any money in the treasury not otherwise appropriated.

The question being upon the adoption of the amendment,

Upon which,

The ayes and noes were demanded by Messrs. Edwards and Griggs.

*Those who voted in the affirmative were,*

Messrs. Anthony, Barnett, Edwards, Greathouse, Griggs, Roberts and Wilson of Harrison—7.

*Those who voted in the negative were,*

Messrs. Adams, Barton, Black, Brookshire, Brown, Butler, Combs, Cox, Cutshaw, Edsall, Gant, Gibson, Glazebrook, Gordon, Hall, Harris, Hawthorn, Helm, Hendry, Horton, Hosbrook, Humphreys, Jackson of Madison, Jackson of Tipton, Kightley, Meeker, Morrison, Odell, Powell, Richardson, Robinson, Shallenberger, Shields, Shook, Simpson, Spann, Sullivan, Williams, Wilson of Jay and Witherow—38.

So the amendment was not adopted.

The question then being on the engrossment of the bill, upon which the ayes and noes were demanded by Messrs. Shook and Hendry.

*Those who voted in the affirmative were,*

Messrs. Anthony, Barton, Black, Butler, Combs, Cox, Edsall, Edwards, Gibson, Greathouse, Griggs, Gordon, Hall, Harris, Hawthorn, Horton, Hosbrook, Jackson of Madison, Jackson of Tipton, Morrison, Odell, Powell, Richardson, Roberts, Robinson, Shallenberger, Simpson, Spann, Sullivan, Wilson of Harrison, Wilson of Jay, and Witherow—32.

*Those who voted in the negative were,*

Messrs. Adams, Barnett, Brookshire, Brown, Cutshaw, Gant, Glazebrook, Helm, Hendry, Humphreys, Kightley, Shields, Shook, and Williams—14.

So the bill was ordered to be engrossed.

On motion by Mr. Adams,  
The Senate adjourned until 2 o'clock.

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2 o'clock, P. M.

The Senate assembled.

Leave being granted,

Mr. Gibson introduced the following resolution:

*Resolved*, That the committee on the Penitentiary be instructed to inquire into the expediency of increasing the salary of the warden of the penitentiary.

Which was adopted.

#### ORDERS OF THE DAY.

##### *Senate Bills on Second Reading.*

No. 121. A bill requiring the completion of certain turnpike roads and gravel roads therein specified ;

Was read a second time by the title; and,

On motion,

Referred to the committee on Corporations.

No. 119. A bill to prohibit clerks and their deputies of the supreme court, circuit courts, and of the courts of common pleas within this State from practising law in this State ;

Was read a second time by the title; and,

On motion by Mr. Horton,

Referred to the committee on the Judiciary.

On motion by Mr. Odell,

The vote referring bill No. 119 was reconsidered, and the bill read a second time.

The question being, shall the bill be engrossed ?

It was decided in the negative.

#### SENATE BILLS ON THIRD READING.

No. 103. A bill to increase the salary and amount of bond of State Librarian ;

Was read a third time.

And the question being, shall the bill pass ?

*Those who voted in the affirmative were,*

Messrs. Adams, Anthony, Barnett, Barton, Black, Brookshire, Brown, Butler, Combs, Cox, Cutshaw, Edwards, Gibson, Greathouse, Gordon, Hall, Hawthorn, Horton, Hosbrook, Humphreys, Jackson of Madison, Jackson of Tipton, Kightley, Morrison, Odell, Powell, Reynolds, Richardson, Roberts, Shields, Spann, and Witherow—32.

*Those who voted in the negative were,*

Messrs. Gant, Glazebrook, Griggs, Helm, Hendry, Meeker, Robinson, Shook, Simpson, Slater, Vandeventer, Williams, and Wilson of Jay—13.

So the bill passed.

Ordered that the Secretary inform the House thereof.

No. 77. A bill to provide for the election, fixing the compensation, and prescribing the duties of Attorney General for the State of Indiana;

Was read the third time.

The question being on the passage of the bill,

*Those who voted in the affirmative were,*

Messrs. Adams, Barnett, Barton, Black, Brookshire, Brown, Butler, Combs, Cox, Cutshaw, Edwards, Gibson, Glazebrook, Greathouse, Gordon, Hall, Harris, Hawthorn, Hendry, Horton, Hosbrook, Humphreys, Jackson of Madison, Jackson of Tipton, Kightley, Meeker, Morrison, Odell, Powell, Richardson, Roberts, Shields, Simpson, Slater, Spann, Vandeventer, Wilson of Harrison, Wilson of Jay and Witherow—39.

*Those who voted in the negative were,*

Messrs. Anthony, Gant, Griggs, Helm, Robinson, Shook, and Williams—7.

So the bill passed.

Ordered that the Secretary inform the House thereof.

Mr. Helm moved to take from the table Senate bill No. 28, a bill to amend the 2nd section of an act entitled "an act to provide for a general and uniform system of common schools and school libraries, and matters properly connected therewith," approved June 14, 1852.

Which was decided in the affirmative.

The question being on the passage of the bill,

*Those who voted in the affirmative were,*

Messrs. Brown, Butler, Combs, Cox, Cutshaw, Edsall, Gant, Gibson, Greathouse, Gordon, Harris, Helm, Hosbrook, Kightley, Meeker, Richardson, Robinson, Slater, Spann, and Williams—20.

*Those who voted in the negative were,*

Messrs. Adams, Anthony, Barnett, Barton, Black, Glazebrook, Griggs, Hall, Hawthorn, Hendry, Horton, Humphreys, Jackson of Madison, Jackson of Tipton, Morrison, Odell, Powell, Reynolds, Roberts, Shallenberger, Shields, Shook, Simpson, Wilson of Harrison, Wilson of Jay, and Witherow—27.

So the bill did not pass.

On motion by Mr. Black,

The rules were suspended and House bill No. 133, a bill to provide for the distribution of the school fund for the year ending on the 4th Monday in March, 1853,

Was taken up and read a third time.

The question being on the passage of the bill,

*Those who voted in the affirmative were,*

Messrs. Adams, Anthony, Barnett, Black, Brookshire, Brown, Butler, Combs, Cox, Cutshaw, Edsall, Edwards, Gant, Gibson, Glazebrook, Griggs, Gordon, Hall, Harris, Hawthorn, Helm, Hendry, Hosbrook, Horton, Humphreys, Jackson of Madison, Jackson of Tipton, Kightley, Meeker, Morrison, Odell, Powell, Reynolds, Richardson, Roberts, Robinson, Shallenberger, Shields, Shook, Simpson, Slater, Spann, Vandeventer, Williams, Wilson of Harrison, Wilson of Jay and Witherow—48.

No Senator voting in the negative.

So the bill passed.

Ordered that the Secretary inform the House thereof.

Mr. Brown moved to reconsider the vote refusing to pass Senate bill,

No. 28. A bill to amend the second section of an act entitled "an act to provide for a general and uniform system of common schools and school libraries, and matters properly connected therewith," approved June 14, 1852.

The ayes and noes being demanded by Senators Adams and Greathouse,

*Those who voted in the affirmative were,*

Messrs. Brown, Cox, Cutshaw, Edsall, Gant, Gibson, Greathouse, Gordon, Harris, Helm, Hosbrook, Humphreys, Kightley, Meeker, Richardson, Slater, Spann, Sullivan, Vandeventer, and Williams—20.

*Those who voted in the negative were,*

Messrs. Adams, Anthony, Barnett, Barton, Black, Brookshire, Combs, Edwards, Glazebrook, Griggs, Hall, Hawthorn, Hendry, Horton, Jackson of Madison, Jackson of Tipton, Morrison, Odell, Powell, Reynolds, Roberts, Robinson, Shallenberger, Shields, Shook, Simpson, Wilson of Harrison, Wilson of Jay, and Witherow—29.

So the vote was not reconsidered.

Mr. Glazebrook, chairman of the joint committee on Enrolled Bills, submitted the following report:

MR. PRESIDENT:

The joint committee on Enrolled Bills have this day presented the following bills to the Governor for his signature and approval:

No. 7. An act to authorize railroad companies to consolidate their stock with the stock of railroad companies in this, or in an adjoining State, and to connect their roads with the roads of said companies, and to authorize railroad companies to construct their roads on the routes which they may have heretofore surveyed and located, and to use and occupy the same when completed.

No. 32. An act to amend an act entitled "an act prescribing the duties of Treasurer of State," approved May 20, 1852.

No. 63. An act to repeal section three of an act entitled "an act touching vacancies in office, and filling the same by appointment," approved May 13, 1852.

No. 65. An act to amend the first, second and third sections of an act entitled "an act for the incorporation of high schools, academies, colleges, universities, theological institutions and missionary boards," approved May 13, 1852.

No. 43. An act to amend the first section of an act approved February 11, 1851, entitled "an act to amend an act entitled an act to incorporate the Lake Michigan, Logansport and Ohio River railroad company," enacted by the General Assembly in February, 1848; and empowering said company to run their road to such point on the line of the Northern Indiana railroad as said company may select.

No. 56. An act to amend section twelfth of an act entitled "an act to authorize the construction of levees and drains.

On motion by Mr. Gibson,

Senate bill No. 111 was taken up; a bill providing for the colonization of free negroes, making appropriations therefor, and the establishment of a colonization agency;

Was read a third time.

The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Adams, Anthony, Barnett, Barton, Black, Brookshire, Brown, Butler, Combs, Cox, Cutshaw, Edsall, Edwards, Gibson, Glazebrook, Greathouse, Griggs, Hall, Harris, Hawthorn, Hendry, Horton, Hosbrook, Jackson of Madison, Jackson of Tipton, Kightley, Meeker, Odell, Powell, Reynolds, Richardson, Shallenberger, Shields, Shook, Simpson, Slater, Spann, Sullivan, Vandeventer, Williams, Wilson of Harrison, Wilson of Jay, and Witherow—45.

Messrs. Gant, Humphreys and Morrison, voted in the negative—3

So the bill passed.

Ordered that the Secretary inform the House thereof.

Mr. Reynolds, chairman of the committee on Temperance submitted the following report:

MR. PRESIDENT:

The committee to whom was referred numerous petitions on the subject of temperance, signed by men, women and children of the State of Indiana, to the number of seven thousand and one hundred, have had the same under consideration and have directed me to report the following bill and respectfully recommend the Senate to do as they please in reference to its passage, and ask to be relieved from the further consideration of the subject.

No. 124. A bill to regulate the retailing of spirituous liquors, and for the suppression of evils arising therefrom.

Which was read the first time and passed to a second reading.

Leave being granted, Mr. Brown submitted the following resolution:

*Resolved*, That the superintendent of the Hospital for the Insane report to this Senate at the earliest convenience the number of meetings the commissioners have held at the Hospital in the last fiscal year, and what number of said commissioners failed to attend said meetings.

Which was adopted.

On motion by Mr. Cox,

Leave of absence was granted Mr. Harris from and after Tuesday next.

On motion by Mr. Brown,

The vote taken refusing to engross Senate bill No. 106,

Was reconsidered.

No. 106. A bill to amend an act entitled an act regulating the fees of officers, approved June 16, 1852.

The question recurring on the engrossment of the bill,

It was decided in the affirmative.

Leave being granted, Mr. Jackson of Tipton submitted the following resolution:

*Resolved*, That the Judiciary committee be requested to inquire whether in counties in which the clerks of the circuit court who were elected clerks and ex-officio Auditor of their county under the law that was in force prior to the taking effect of the law of 1852, have the right to serve out their unexpired term under the law now in force, provided the number of polls does not exceed one thousand, and they be requested to report at as early a day as possible.

Which was adopted.

On motion by Mr. Jackson of Tipton,

*Resolved*. That hereafter the Senate meet at half after 8 A. M., and half after 1 P. M.

Mr. Hosbrook, chairman of the committee on the Affairs of the Town of Indianapolis, submitted the following report:

MR. PRESIDENT:

The committee to whom was referred the petition of the agent of the Masonic Hall, have had the same under consideration, and have directed me to report the same back, and ask that the same be referred to the committee on Claims, and ask to be discharged from further consideration of the subject.

Which report was concurred in and the petition so referred.

Mr. Jackson of Madison, from a select committee, submitted the following report:

MR. PRESIDENT:

The select committee to whom was referred Senate bill No. 108, a bill to repeal certain sections of the law incorporating the town of Cleveland, in Hancock county, have had the same under consideration, and a majority of said committee have directed me to report it back without amendment and recommend its passage.

Which report was concurred in,

The bill read the second time and ordered to be engrossed.

Mr. Humphreys introduced the following bill:

No. 125. A bill to amend an act entitled "an act to provide against the consequences ensuing or likely to ensue from the destruction of books, pamphlets, records, or other writings of any county in this State, or of any county, probate commissioners or other inferior court of record therein, or filed with or in the legal custody of any officer of any court of this State, and to provide for the perpetuation of testimony relative to the same, and requiring new official bonds to be given, in cases when the bonds of officers, executors, administrators and guardians, have been destroyed," approved January 12, 1852.

Which was read the first time and passed to a second reading.

Mr. Shallenberger presented the communication of Judge Knight; Which,

On motion,

Was referred to the Judiciary committee.

Mr. Helm submitted the following resolution:

*Resolved*, That the Superintendent of the Hospital for the Insane report to the Senate at his earliest convenience, whether any purchases have been made either in merchandize or provisions, from either of the commissioners during the last fiscal year; and if so, from whom.

Which was adopted.

The following message was received from the House of Representatives by Mr. Bowes their clerk:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House have passed the following engrossed bill of the Senate without amendment:

Senate bill No. 109, "a bill authorizing railroad companies to change their names."

The following message was received from his excellency, the Governor:

MR. PRESIDENT:

I am directed by the Governor to inform the Senate that the following bills have been by him signed and approved:

No. 63. An act entitled an act to repeal section 3 of "an act touching vacancies in office, and filling the same by appointment," approved May 13th, 1852; and,

No. 32. An act to amend an act entitled "an act prescribing the the duties of Treasurer of State," approved May 20, 1852; and,

No. 56. An act to amend section 1st and section 12th of an act entitled "an act to authorize the construction of levees and drains.

No. 65. A bill to amend the first second and third sections of an act entitled "an act for the incorporation of high schools, academies, colleges, universities, theological institutions and missionary boards," approved May 13, 1852.

No. 109. An act authorizing railroad companies to change their names.

No. 33. An act to amend the 1st section of an act approved February 11, 1851, entitled an act to amend an act entitled "an act to incorporate the Lake Michigan, Logansport and Ohio River Railroad Company," enacted by the General Assembly in February, 1848, and empowering said company to run their road to such point on the Northern Indiana Railroad as said company may select.

No. 7. An act to authorize railroad companies to consolidate their capital stock with the stock of railroad companies in this or in an adjoining State, and to connect their roads with the roads of said companies, and to authorize railroad companies to construct their roads on the routes which they may have heretofore surveyed and located, and to use and occupy the same when completed.

All of which bills originated in the Senate.

On motion by Mr. Greathouse,  
The Senate adjourned.

THURSDAY MORNING, 9 o'clock, }  
February 24, 1853. }

The Senate assembled.

On motion by Mr. Butler,  
The reading of the journal was dispensed with.

On motion by Mr. Richardson,  
The order of business was suspended and Senate bill No. 106, a bill to amend an act entitled "an act regulating the fees of officers," approved June 16, 1852, was taken up.

On motion by Mr. Morrison,  
The bill was recommitted to a select committee of three with the following instructions:

1st. Amend by adding to recorder's fees as follows :

For all services not specifically provided for in this act, the recorder shall be allowed the same fees as are by law allowed for similar services.

2d. Amend treasurer's fee bill by adding after five thousand dollars, the following: "And under fifteen thousand. All sums over fifteen thousand dollars, two per cent."

Also, strike out the word "further," in the proviso.

Senators Morrison, Black and Richardson, were appointed said committee.

#### REPORTS FROM COMMITTEES.

By Mr. Gibson, chairman of the Judiciary committee :

MR. PRESIDENT:

The Judiciary committee, who were instructed to report a bill to provide for a house of refuge, have directed me to report the following bill:

No. 126. A bill to provide for the erection of a house of refuge.

Which was read the first time.

Mr. Shields moved to suspend the rules and read the bill the second time.

The question being on suspending the rules,

*Those who voted in the affirmative were,*

Messrs. Adams, Anthony, Barnett, Black, Brookshire, Brown, Butler, Combs, Cox, Cutshaw, Edwards, Gibson, Greathouse, Griggs, Gordon, Hall, Harris, Hawthorn, Helm, Hendry, Horton, Hosbrook, Humphreys, Jackson of Madison, Jackson of Tipton, Kightley, Meeker, Morrison, Odell, Powell, Reynolds, Richardson, Roberts, Robinson, Shields, Simpson, Slater, Sullivan, Vandeventer, Williams, Wilson of Jay, and Witherow—42.

Messrs. Gant, Glazebrook, Shook and Spann, voted in the negative—4.

So the rule was suspended, and the bill read the second time.

Mr. Barnett moved that the bill be referred to a select committee of one from each congressional district.

Upon which the ayes and noes were demanded by Messrs. Barnett and Hendry.

*Those who voted in the affirmative were,*

Messrs. Barnett, Barton, Black, Brookshire, Brown, Combs, Cutshaw, Edwards, Gant, Glazebrook, Griggs, Hawthorn, Helm, Hendry,

Humphreys, Jackson of Tipton, Meeker, Morrison, Odell, Powell, Roberts, Shook, Spann, Vandeventer, Williams, and Wilson of Jay—26.

*Those who voted in the negative were,*

Messrs. Anthony, Butler, Cox, Gibson, Greathouse, Gordon, Hall, Harris, Horton, Hosbrook, Jackson of Madison, Reynolds, Richardson, Robinson, Shields, Simpson, Slater and Sullivan—19.

So the bill was so referred, and the following Senators appointed said committee, Mr. Barnett as chairman:

1st district, Mr. Roberts; 2d district, Mr. Morrison; 3d district, Mr. Shields; 4th district, Mr. Gant; 5th district, Mr. Butler; 6th district, Mr. Hosbrook; 7th district, Mr. Humphreys; 8th district, Mr. Gordon; 9th district, Mr. Barnett; 10th district, Mr. Hendry; 11th district, Mr. Jackson of Madison.

By Mr. Richardson, chairman of the committee on Corporations:

MR. PRESIDENT:

The committee on Corporations, to which was referred Senate bill No. 91, "an act to amend an act entitled 'an act in relation to the taxation of lands in towns and cities,'" approved June 18th, 1852, have considered the same, and directed me to report it back to the Senate, with a recommendation that it be indefinitely postponed.

Which was concurred in by the Senate, and the bill indefinitely postponed.

By Mr. Horton, chairman of the committee on County and Township Business:

MR. PRESIDENT:

The committee on County and Township Business, to whom was referred a petition from sundry citizens of Marion county, praying for a change in the law providing for a change of venue in criminal cases, have had the same under consideration, and have directed me to report that it is inexpedient to legislate upon the subject, and ask to be discharged from the further consideration thereof.

Which report was concurred in by the Senate.

By Mr. Morrison, from a select committee:

MR. PRESIDENT:

The select committee to whom was referred Senate bill No. 106, a bill to amend an act entitled "an act regulating the fees of officers," approved June 16, 1852, with certain instructions, have

directed me to report the same back to the Senate, amended as instructed.

Which report was concurred in, and the bill read the third time.  
The question being on the passage of the bill,

On motion by Mr. Humphreys,

A call of the Senate was ordered.

The Secretary proceeded with the call, when the following Senators answered to their names:

Messrs. Adams, Anthony, Barnett, Barton, Black, Brookshire, Brown, Butler, Combs, Cox, Cutshaw, Edwards, Gant, Gibson, Glazebrook, Greathouse, Griggs, Gordon, Hall, Harris, Hawthorn, Helm, Hendry, Horton, Hosbrook, Humphreys, Jackson of Madison, Jackson of Tipton, Kightley, Meeker, Morrison, Odell, Powell, Reynolds, Richardson, Roberts, Robinson, Shallenberger, Shields, Shook, Simpson, Slater, Spann, Sullivan, Vandeventer, Williams, Wilson of Harrison, Wilson of Jay and Witherow—48.

On motion by Mr. Humphreys,

The further call was suspended.

On motion by Mr. Horton,

Leave of absence was granted Mr. Edsall on account of sickness.  
Mr. Black moved the previous question, which was seconded by the Senate.

The question being, shall the main question be now put?

Which was decided in the affirmative.

The question then recurring on the passage of the bill,

*Those who voted in the affirmative were,*

Messrs. Adams, Anthony, Barton, Black, Brookshire, Brown, Butler, Combs, Cox, Cutshaw, Gibson, Greathouse, Gordon, Harris, Hawthorn, Hosbrook, Humphreys, Jackson of Madison, Jackson of Tipton, Morrison, Odell, Powell, Reynolds, Richardson, Roberts, Robinson, Slater, Spann, Sullivan, Wilson of Harrison and Witherow—31.

*Those who voted in the negative were,*

Messrs. Edwards, Gant, Glazebrook, Griggs, Hall, Helm, Hendry, Horton, Meeker, Shallenberger, Shields, Shook, Simpson, Vandeventer and Wilson of Jay—15.

So the bill passed.

Ordered that the Secretary inform the House thereof.

By Mr. Slater from a select committee:

MR. PRESIDENT:

The select committee to whom was referred Senate bill No. 113, a bill to repeal an act entitled "an act supplemental to an act entitled "an act to provide for the incorporation of railroad companies," approved June 18, 1852, have had the same under consideration, and have directed me to report, that in their opinion the repeal of the law of last winter would be an act of bad faith on the part of the State toward the citizens of Lawrenceburgh. They further deem it inexpedient in the present crowded state of our business, and so near the close of the session, to occupy the time of the Senate therewith; and, therefore, recommend that the bill be laid upon the table.

The question being on concurring in the report of the committee,  
The ayes and noes were demanded by Messrs. Gibson and Slater.

*Those who voted in the affirmative were,*

Messrs. Adams, Barton, Cutshaw, Gant, Gibson, Glazebrook, Greathouse, Hall, Humphreys, Jackson of Madison, Meeker, Morrison, Powell, Roberts, Shallenberger, Shook, Slater, and Sullivan—18.

*Those who voted in the negative were,*

Messrs. Barnett, Brookshire, Brown, Butler, Cox, Griggs, Harris, Hawthorn, Helm, Hendry, Horton, Hosbrook, Jackson of Tipton, Kightley, Odell, Richardson, Robinson, Shields, Simpson, Vandeventer, Wilson of Harrison, Wilson of Jay, and Witherow—24.

So the report was not concurred in.

Mr. Gibson moved to indefinitely postpone the bill;

Pending which,

On motion by Mr. Barnett,

The Senate adjourned until 2 o'clock.

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2 o'clock, P. M.

The Senate assembled, and resumed the consideration of Mr. Gibson's motion to indefinitely postpone.

The question being, shall the bill be indefinitely postponed?

On motion by Mr. Robinson,

A call of the Senate was ordered.

The Secretary proceeded with the call, when the following Senators answered to their names:

Messrs. Adams, Barnett, Barton, Black, Brookshire, Brown, Butler, Cox, Cutshaw, Gant, Gibson, Glazebrook, Greathouse, Griggs, Gordon, Hall, Harris, Hawthorn, Helm, Hendry, Horton, Hosbrook, Humphreys, Jackson of Madison, Jackson of Tipton, Meeker, Morrison, Powell, Reynolds, Robinson, Shallenberger, Shields, Shook, Simpson, Slater, Spann, Sullivan, Vandeventer, Williams, Wilson of Harrison, Wilson of Jay, and Witherow—42.

On motion by Mr. Meeker,  
The further call was suspended.  
The question then recurring on the indefinite postponement,  
The ayes and noes were demanded by Senators Gibson and Shields.

*Those who voted in the affirmative were,*

Messrs. Adams, Barton, Cutshaw, Gant, Gibson, Glazebrook, Greathouse, Gordon, Hall, Humphreys, Jackson of Madison, Meeker, Morrison, Powell, Reynolds, Shallenberger, Shook, Slater, Spann, and Sullivan—20.

*Those who voted in the negative were,*

Messrs. Barnett, Brookshire, Brown, Butler, Cox, Griggs, Harris, Hawthorn, Helm, Hendry, Horton, Hosbrook, Jackson of Tipton, Robinson, Shields, Simpson, Vandeventer, Wilson of Harrison, Wilson of Jay, and Witherow—20.

There being a tie vote, the President decided in the affirmative.

The following message was received from the House of Representatives:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House have passed, without amendments, an engrossed bill of the Senate, No. 96, entitled "an act amendatory of, and supplemental to an act entitled "an act to incorporate the Indiana Cotton Mills," approved February 15, 1848.

Also, the following message was received from the House of Representatives:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House have passed, without amendment, the following engrossed bill of the Senate:

No. 25. A bill to amend an act therein mentioned.

Also, the following message was received from the House of Representatives:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the Speaker has signed the following enrolled bill of the Senate:

No. 96. A bill amendatory of, and supplemental to, an act entitled an act to incorporate the Indiana Cotton Mills," approved Feb. 15, 1848;

And I am directed to bring the same to the Senate for the signature of the President thereof.

Whereupon the President affixed his signature thereto.

Mr. Sullivan submitted the following resolution:

*Resolved*, That the committee on Printing be discharged from the further consideration of the subject of the reduction of the price of printing.

Which was adopted.

#### BILLS INTRODUCED.

By Mr. Sullivan:

No. 137. A bill to authorize husbands to convey real estate in certain cases;

Which was read the first time and passed to a second reading.

By Mr. Spann:

No. 128. A bill to repeal certain sections of an act therein named;

Which was read the first time and passed to a second reading.

By Mr. Brookshire:

No. 129. A bill to fix the fees of justices of the peace and constables, in certain cases;

Which was read the first time and passed to a second reading.

By Mr. Robinson:

No. 130. A bill prescribing the length of time necessary to procure a residence for the purpose of voting;

Which was read the first time, and passed to a second reading.

By Mr. Griggs:

No. 131. A bill requiring a final record to be made in certain cases, by the clerks of the circuit courts and courts of common pleas; Which was read the first time and passed to a second reading.

By Mr. Barton:

No. 132. A bill to provide for the more speedy publication of the Revised Statutes of 1852;

Which was read the first time and passed to a second reading.

The following message was received from his Excellency, the Governor, by Mr. Tarkington, his Private Secretary:

MR. PRESIDENT:

I am directed by the Governor to inform the Senate that the following bills have been by him signed and approved:

No. 59. An act to amend an act entitled "an act for a more uniform mode of doing township business," approved May 6, 1852.

No. 54. An act to amend the 37th section of an act entitled "an act for defining misdemeanors, and prescribing punishment therefor," approved June 14, 1852.

No. 9. A joint resolution relative to granting pensions to widows and orphans.

#### ORDERS OF THE DAY.

##### *Senate bills on third reading.*

No. 80. A bill to prevent any person from riding or driving over bridges of 70 feet span and upwards, faster than a walk.

Was read the third time; and,

On motion by Mr. Barnett,

Was laid on the table.

No. 81. A bill to amend section 36 of an act entitled "an act prescribing who may make a will, the effect thereof, what may be devised, regulating the revocation, admission to probate, and contest thereof," approved May 31, 1852.

Was read a third time.

And the question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Adams, Barnett, Barton, Black, Brookshire, Butler, Cox, Cutshaw, Gant, Gibson, Glazebrook, Greathouse, Griggs, Gordon, Hall, Harris, Hawthorn, Hendry, Horton, Hosbrook, Humphreys, Jackson of Madison, Jackson of Tipton, Kightley, Meeker, Odell,

Powell, Reynolds, Robinson, Shallenberger, Shields, Shook, Simpson, Slater, Spann, Sullivan, Vandeventer, Williams, Wilson of Harrison, Wilson of Jay, and Witherow—40.

No Senator voting in the negative.

So the bill passed.

Ordered that the Secretary inform the House thereof.

No. 92. A bill to authorize and require clerks of the court of common pleas, in cases where the proper record books have not been provided in time for the January term of said court for the year 1853, to transcribe from the original record into the new record when provided and to legalize the same.

Was read a third time.

The question being on the passage of the bill,

*Those who voted in the affirmative were,*

Messrs. Adams, Barnett, Barton, Black, Brookshire, Brown, Butler, Cox, Cutshaw, Edwards, Gibson, Glazebrook, Greathouse, Griggs, Gordon, Hall, Harris, Hawthorn, Hendry, Horton, Hosbrook, Humphreys, Jackson of Madison, Jackson of Tipton, Kightley, Meeker, Odell, Powell, Reynolds, Shallenberger, Shields, Shook, Simpson, Slater, Spann, Sullivan, Vandeventer, Williams, Wilson of Harrison, Wilson of Jay and Witherow—41.

Mr. Gant, voted in the negative.

So the bill passed.

Ordered that the Secretary inform the House thereof.

No. 97. A bill for the preservation of newspapers in county auditors' offices, published in each county.

Was read the third time.

By unanimous consent,

On motion by Mr. Gibson,

The bill was amended by inserting "one copy each of the weekly newspapers.

The question being, on the passage of the bill;

*Those who voted in the affirmative were,*

Messrs. Barton, Black, Brown, Butler, Cox, Cutshaw, Edwards, Gibson, Greathouse, Gordon, Hall, Harris, Hawthorn, Hendry, Horton, Hosbrook, Jackson of Madison, Kightley, Meeker, Morrison, Shallenberger, Simpson, Spann, Sullivan and Wilson of Harrison—25.

*Those who voted in the negative were,*

Messrs. Adams, Barnett, Brookshire, Gant, Glazebrook, Griggs, Helm, Humphreys, Jackson of Tipton, Odell, Powell, Reynolds, Robinson, Shields, Shook, Slater, Vandeventer, Williams, Wilson of Jay and Witherow—20.

So the bill did not pass for the want of a constitutional majority.

The following message was received from the House of Representatives:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the Speaker has signed the following enrolled bills of the House:

No. 25. An act to provide for the enumeration of all the white male inhabitants over the age of 21 years in the State of Indiana in the year 1853, and pay the officers for taking the same.

No. 133. An act to provide for the distribution of the school fund for the year ending on the fourth Monday in March, 1853.

Which I am directed to bring to the Senate for the signature of the President thereof.

Whereupon the President affixed his signature thereto.

Mr. Cox, chairman of the committee on Enrolled Bills, made the following report:

MR. PRESIDENT:

The committee on Enrolled Bills have compared enrolled bill of the Senate No. 96, with the engrossed copy thereof, and find the same correctly enrolled.

No. 100. A bill to amend an act providing for the appointment of deputies for certain officers, and prescribing their duties and liabilities, approved May 13, 1852;

Was read a third time.

The question being on the passage of the bill,

*Those who voted in the affirmative were,*

Messrs. Adams, Barnett, Barton, Black, Brookshire, Brown, Butler, Cox, Cutshaw, Edwards, Gant, Gibson, Glazebrook, Greathouse, Griggs, Gordon, Hall, Harris, Hawthorn, Helm, Hendry, Horton, Hosbrook, Humphreys, Jackson of Madison, Jackson of Tipton,

Kightley, Meeker, Odell, Powell, Reynolds, Sallenberger, Shook, Simpson, Slater, Spann, Sullivan, Vandeventer, Williams, Wilson of Harrison, Wilson of Jay, and Witherow—42.

No Senator voted in the negative.

So the bill passed.

Ordered that the Secretary inform the House thereof.

No. 29. A bill to enable aliens to take, upon certain conditions, real estate by descent or devise, to provide for the partition and sale thereof, and defining the jurisdiction and duties of the courts of common pleas, and certain officers in relation thereto;

Was read a third time.

Mr. Gibson moved to recommit to the Judiciary committee, with instructions to strike out the second section.

Mr. Horton moved the previous question;

Which was not seconded.

The question recurring on recommitting with the instructions of Mr. Gibson,

The ayes and noes were demanded by Senators Gibson and Shields.

*Those who voted in the affirmative were,*

Messrs. Gant, Gibson, Greathouse, Gordon, Harris, Jackson of Madison, Odell, Simpson and Spann—9.

*Those who voted in the negative were,*

Messrs. Adams, Barnett, Black, Brookshire, Brown, Butler, Cox, Cutshaw, Edwards, Glazebrook, Hall, Hawthorn, Helm, Hendry, Horton, Hosbrook, Jackson of Tipton, Kightley, Meeker, Morrison, Powell, Robinson, Shallenberger, Shields, Shook, Spann, Sullivan, Vandeventer, Williams, Wilson of Harrison, Wilson of Jay, and Witherow—32.

So the bill was not recommitted.

Mr. Gibson moved to indefinitely postpone the bill; upon which, The ayes and noes were demanded by Senators Gibson and Butler.

*Those who voted in the affirmative were,*

Messrs. Butler, Gant, Gibson, Griggs, Gordon, Harris, Jackson of Madison, Odell, and Slater—9.

*Those who voted in the negative were,*

Messrs. Adams, Barnett, Black, Brookshire, Brown, Cox, Cutshaw,

Edwards, Glazebrook, Hall, Hawthorn, Helm, Hendry, Horton, Hosbrook, Jackson of Tipton, Kightley, Meeker, Morrison, Powell, Robinson, Shallenberger, Shields, Shook, Simpson, Spann, Sullivan, Vandeventer, Williams, Wilson of Harrison, Wilson of Jay, and Witherow—32.

So the bill was not indefinitely postponed.  
The question recurring on the passage of the bill,

*Those who voted in the affirmative were,*

Messrs. Adams, Barnett, Black, Brookshire, Brown, Cox, Cutshaw, Edwards, Glazebrook, Griggs, Hall, Harris, Hawthorn, Helm, Hendry, Horton, Hosbrook, Jackson of Tipton, Kightley, Meeker, Morrison, Powell, Robinson, Shallenberger, Shields, Simpson, Spann, Sullivan, Vandeventer, Williams, Wilson of Harrison, Wilson of Jay, and Witherow—33.

*Those who voted in the negative were,*

Messrs. Butler, Gant, Gibson, Gordon, Humphreys, Jackson of Madison, Odell, Shook, and Slater—9.

So the bill passed.

Mr. Shields offered the following amendment to the title:

Strike out "non-resident," leaving it to read, "a bill to enable aliens to take," &c.

Mr. Gibson offered the following amendment to the amendment:

"To distribute the property of aliens to county officers."

Which was not adopted.

The question then recurring on the amendment of Mr. Shields,

It was agreed to.

Ordered, that the Secretary inform the House of the passage of the bill.

No. 57. A bill to amend the 22d section of chapter 102 of the Revised Statutes of 1852,

Was read a third time.

The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Black, Cox, Cutshaw, Greathouse, Hall, Harris, Hawthorn, Horton, Hosbrook, Meeker, Odell, Powell, Reynolds, Simpson, Sullivan, Williams, Wilson of Harrison, Wilson of Jay, and Witherow—19.

*Those who voted in the negative were,*

Messrs. Adams, Brookshire, Brown, Butler, Edwards, Gant, Glazebrook, Griggs, Helm, Hendry, Humphreys, Jackson of Madison, Jackson of Tipton, Kightley, Morrison, Robinson, Shallenberger, Shook, Spann and Vandeventer—20.

So the bill did not pass, there not being a constitutional majority therefor.

No. 85. A bill to provide for the investing of the common school fund in the bonds of the State of Indiana,

Was read the third time.

The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Adams, Barton, Black, Brookshire, Brown, Butler, Cox, Cutshaw, Edwards, Gant, Gibson, Glazebrook, Greathouse, Griggs, Hawthorn, Horton, Hosbrook, Jackson of Madison, Kightley, Meeker, Reynolds, Shields, Shook, Simpson, Sullivan, Vandeventer, Wilson of Jay, and Witherow—28.

*Those who voted in the negative were,*

Messrs. Gordon, Hall, Harris, Helm, Humphreys, Jackson of Tipton, Morrison, Odell, Robinson, Shallenberger, Spann, Williams, and Wilson of Harrison—14.

So the bill passed.

Ordered that the Secretary inform the House thereof.

No. 105. A bill giving the courts of common pleas concurrent jurisdiction with justices of the peace in actions of forcible entry and detainer, and against tenants holding over,

Was read the third time.

The question being on the passage of the bill,

*Those who voted in the affirmative were,*

Messrs. Adams, Barnett, Black, Butler, Cox, Cutshaw, Edwards, Gant, Gibson, Glazebrook, Greathouse, Griggs, Gordon, Hall, Harris, Hawthorn, Hendry, Horton, Hosbrook, Humphreys, Jackson of Madison, Jackson of Tipton, Meeker, Odell, Powell, Reynolds, Robinson, Shallenberger, Shields, Shook, Simpson, Slater, Vandeventer, Williams, Wilson of Harrison, Wilson of Jay and Witherow—37.

*Those who voted in the negative were,*

Messrs. Brookshire, Brown, Kightley, Morrison, Spann, and Sullivan—6.

So the bill passed.

Ordered that the Secretary inform the House thereof.

No. 115. A bill declaring what property shall be exempt from execution on contracts made previous to the 4th day of July, 1852, and regulating the manner of claiming the same by the execution-debtor,

Was read the third time.

The question being upon the passage of the bill,

*Those who voted in the affirmative were,*

Messrs. Barnett, Brookshire, Brown, Butler, Cox, Cutshaw, Edwards, Gant, Gibson, Glazebrook, Greathouse, Griggs, Gordon, Hall, Harris, Hawthorn, Hendry, Horton, Hosbrook, Humphreys, Jackson of Madison, Jackson of Tipton, Meeker, Morrison, Odell, Powell, Reynolds, Robinson, Shields, Shook, Simpson, Slater, Spann, Sullivan, Vandeventer, Williams, Wilson of Harrison, Wilson of Jay, and Witherow—39.

Messrs. Adams, Hall and Kightley voted in the negative—3.

So the bill passed.

Ordered that the Secretary inform the House thereof.

No. 116. A bill to amend an act entitled "an act to revise, simplify and abridge the rules, practice and pleadings and forms in criminal actions in this State," approved June 17, 1852,

Was read the third time.

The question being on the passage of the bill,

*Those who voted in the affirmative were,*

Messrs. Black, Cox, Gibson, Greathouse, Hendry, Humphreys, Jackson of Madison, Shields, Simpson, Slater, and Witherow—11.

*Those who voted in the negative were,*

Messrs. Adams, Barnett, Brookshire, Brown, Butler, Cutshaw, Edwards, Gant, Glazebrook, Griggs, Hall, Harris, Hawthorn, Horton, Hosbrook, Jackson of Tipton, Kightley, Meeker, Morrison, Odell, Powell, Reynolds, Robinson, Shallenberger, Shook, Spann, Sullivan, Vandeventer, Williams, Wilson of Harrison, and Wilson of Jay—31.

So the bill did not pass.

No. 117. A bill providing for the speedy determination, by the supreme court, of the constitutionality of any law of this State,

Was read the third time.

The question being on the passage of the bill,

*Those who voted in the affirmative were,*

Messrs. Adams, Barnett, Black, Brown, Butler, Cox, Cutshaw, Edwards, Gant, Gibson, Glazebrook, Griggs, Gordon, Hall, Harris, Hawthorn, Helm, Hendry, Horton, Hosbrook, Humphreys, Jackson of Madison, Jackson of Tipton, Kightley, Meeker, Morrison, Odell, Powell, Robinson, Shellenberger, Shook, Simpson, Slater, Sullivan, Vandeventer, Williams, Wilson of Harrison, Wilson of Jay and Witherow—38.

*Those who voted in the negative were,*

Messrs. Morrison, Shields and Spann—3.

So the bill passed.

Ordered that the Secretary inform the House thereof.

No. 120. A bill granting the right of way to the Ohio and Indianapolis Railroad Company, to construct a railroad through the grounds of the State surrounding the Asylum for the Deaf and Dumb,

Was read a third time.

And the question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Brown, Butler, Cox, Cutshaw, Edwards, Gibson, Griggs, Hall, Harris, Hawthorn, Helm, Hendry, Horton, Hosbrook, Humphreys, Jackson of Madison, Jackson of Tipton, Kightley, Meeker, Morrison, Odell, Powell, Robinson, Shellenberger, Shields, Simpson, Sullivan, Vandeventer, Williams, Wilson of Harrison, Wilson of Jay and Witherow—32.

*Those who voted in the negative were,*

Messrs. Adams, Barnett, Gant, Glazebrook, Shook and Spann—6.

So the bill passed.

Ordered that the Secretary inform the House thereof.

No. 36. A bill providing for serving process upon the officers, directors, attorneys or agents of any railroad company,

Was read the third time,

The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Adams, Brown, Cox, Edwards, Gant, Glazebrook, Hall,

Harris, Hawthorn, Helm, Hendry, Horton, Hosbrook, Humphreys, Jackson of Madison, Jackson of Tipton, Kightley, Meeker, Morrison, Odell, Powell, Shallenberger, Shields, Shook, Simpson, Spann, Sullivan, Vandeventer, Williams, Wilson of Harrison, Wilson of Jay and Witherow—32.

*Those who voted in the negative were,*

Messrs. Barnett, Butler, Cutshaw, Griggs and Robinson—5.

So the bill passed.

Ordered that the Secretary inform the House thereof.

On motion by Mr. Odell,

The order of business was suspended, and Senate bills on second reading taken up.

No. 122. A bill fixing the time of holding courts in the third judicial circuit,

Was read a second time and ordered to be engrossed.

No. 123. A bill to amend section 13, chapter 1, part 4, vol. 2, of the Revised Statutes of 1852 of an act entitled an act providing for the election and qualification of justices of the peace, and defining their jurisdiction, powers and duties in civil cases,

Was read the third time and ordered to be engrossed.

No. 125. An act to amend an act entitled an act to provide against the consequences ensuing, or likely to ensue, from the destruction of books, pamphlets, papers, records or other writings of any county in this State, or any circuit, probate, commissioners or other inferior court of record therein, or filed with or in the legal custody of any officers of any county in this State, and to provide for the perpetuation of testimony relative to the same, and requiring new official bonds to be given in cases where the bonds of officers, executors, administrators and guardians, have been destroyed, approved January 12, 1852,

Was read the second time and ordered to be engrossed.

No. 124. A bill regulating the retailing of spirituous liquors and for the suppression of the evils arising therefrom,

Was read a second time; and,

On motion by Mr. Humphreys,

Laid on the table.

#### BILLS ON THIRD READING RESUMED.

No. 118. A bill authorizing the governor to contract for the erection of an additional number of cells at the penitentiary, and for making certain improvements upon the ground thereof.

Was read a third time.

Mr. Shook moved to recommit with instructions to strike out '\$5000,' and insert '\$4000.'

Which was not agreed to.

The question then recurring on the passage of the bill,

*Those who voted in the affirmative were,*

Messrs. Black, Brown, Butler, Cox, Edwards, Gibson, Greathouse, Griggs, Gordon, Hall, Harris, Hawthorn, Horton, Hosbrook, Jackson of Madison, Jackson of Tipton, Meeker, Morrison, Odell, Powell, Reynolds, Robinson, Shallenberger, Simpson, Slater, Sullivan, Wilson of Harrison, Wilson of Jay, and Witherow—30.

*Those who voted in the negative were,*

Messrs. Adams, Barnett, Brookshire, Cutshaw, Gant, Glazebrook, Helm, Hendry, Humphreys, Shields, Shook, Spann, and Vandeventer—13.

So the bill passed.

Ordered that the Secretary inform the House thereof.

No. 108. A bill to repeal certain sections of the law incorporating the town of Cleveland in Hancock county.

Was read the third time,

The question being on the passage of the bill,

*Those who voted in the affirmative were,*

Messrs. Adams, Barnett, Black, Brookshire, Brown, Butler, Cox, Cutshaw, Edwards, Gant, Gibson, Glazebrook, Greathouse, Griggs, Gordon, Hall, Harris, Hawthorn, Helm, Hendry, Horton, Hosbrook, Humphreys, Jackson of Madison, Jackson of Tipton, Kightley, Meeker, Powell, Reynolds, Robinson, Shallenberger, Shields, Shook, Simpson, Slater, Spann, Sullivan, Vandeventer, Wilson of Harrison and Wilson of Jay—40.

Mr. Witherow voted in the negative.

So the bill passed.

Ordered that the Secretary inform the House thereof.

Leave being granted,

Mr. Edwards submitted the following report:

MR. PRESIDENT:

The committee on the Organization of Courts to whom was refer-

red Senate bill No. 102, an act fixing the time of holding the courts of common pleas in the several counties of this State, have had that subject under consideration and directed me to report the same back to the Senate and respectfully recommend its passage.

Which report was concurred in.

Mr. Gibson moved to suspend the rules and read the bill a second time by the title.

*Those who voted in the affirmative were,*

Messrs. Adams, Barnett, Black, Brookshire, Brown, Cox, Cutshaw, Edwards, Gant, Gibson Glazebrook, Greathouse, Griggs, Hall, Hawthorn, Helm, Hendry, Horton, Hosbrook, Humphreys, Jackson of Madison, Jackson of Tipton, Kightley, Meeker, Odell, Powell, Reynolds, Robinson, Shallenberger, Shields, Shook, Simpson, Slater, Spann, Sullivan, Vandeventer, Wilson of Harrison, Wilson of Jay and Witherow—39.

Mr. Barton voted in the negative.

So the rules were suspended,

The bill read the second time by the title and ordered to be engrossed.

Leave being granted,

Mr. Brown, from the committee on Agriculture, made the following report:

**MR. PRESIDENT:**

The committee on Agriculture, to whom was referred House bill No. 107, a bill to amend section three of an act entitled "an act for the regulation of weights and measures," approved June 9, 1852, have had that subject under consideration, and have directed me to report the same back to the Senate, without amendment, and recommend its passage.

Which report was concurred in, the bill read a second time and ordered to a third reading.

The following message was received from the House of Representatives, by Mr. Bowes, their Clerk:

**MR. PRESIDENT:**

I am directed by the House of Representatives to inform the Senate that the House have passed, without amendment, the following engrossed bill of the Senate:

No. 54. A bill to amend the 37th section of an act entitled "an

act defining misdemeanors and prescribing punishment therefor," approved June 14, 1852.

No. 59. An act to amend an act entitled "an act for the more uniform mode of doing township business," approved May 6, 1852.

On motion by Mr. Reynolds,

Mr. Slater was added to the select committee to whom was referred Senate bill No. 93, on account of the absence of Mr. Richardson.

Also, the following message was received from the House of Representatives, by Mr. Bowes, their Clerk:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House has concurred in the amendments of the Senate to House bill No. 25, a bill to provide for the enumeration of all the white male inhabitants over the age of twenty-one years, in the State of Indiana in the year 1853.

Also, the following message from the House of Representatives was taken up:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House has passed the following engrossed bill of the Senate:

No. 18. A bill to provide compensation to the owners of animals killed or injured by the cars, locomotives, or other carriages of any railroad company in this State:

With an engrossed amendment of the House thereto.

In which the concurrence of the Senate is respectfully requested.

On motion by Mr. Gibson,

The engrossed amendments of the House to Senate bill No. 18, contained in the message, were concurred in.

Also, the following message from the House of Representatives was taken up:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House have passed the following engrossed bill thereof, viz:

No. 142. A bill to regulate the retailing of spirituous liquors, and for the suppression of evils arising therefrom.

In which the concurrence of the Senate is respectfully requested.

Bill No. 112, contained in the message, was read the first time and ordered to a second reading.

Also, the following message was received from the House of Representatives:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate, that the House have passed, without amendment, the following engrossed joint resolution of the Senate:

No. 9. A joint resolution relative to granting pensions to widows and orphans.

Also, the following message from the House of Representatives was taken up:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House has concurred in the engrossed amendments of the Senate to House bill No. 29, a bill to repeal part of section 119 of an act entitled "an act to revise, simplify and abridge the rules, practice, pleadings and forms in criminal actions in the courts of this State," approved June 17, 1852, with the following amendments thereto:

In which the concurrence of the Senate is respectfully requested.

On motion by Mr. Humphreys,

The amendments were concurred in.

Also, the following message from the House of Representatives was taken up:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House have passed Senate bill,

No. 66. A bill to enable turnpike companies heretofore chartered, who have gone on to construct their roads, but have failed to complete the same within the time specified in their charters, to complete their unfinished roads, also sundry engrossed amendments thereto.

In which the concurrence of the Senate is respectfully requested.

On motion by Mr. Witherow,

The engrossed amendments of the House to Senate bill No. 66, contained in the message were concurred in.

Also, the following message was received from the House of Representatives, by Mr. Bowes, their Clerk:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House have passed the following engrossed bills thereof:

No. 149. An act authorizing the township trustees in the several townships in this State to administer oaths.

No. 204. An act to provide for the distribution of the township laws.

In which the concurrence of the Senate is respectfully requested  
Bills No. 149 and 204, contained in the message, were each read the first time and ordered to a second reading.

Also, the following message from the House of Representatives was taken up:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House have passed the following engrossed bills thereof:

No. 109. An act to amend an act entitled "an act to incorporate the Cannelton Steam-mill and Manufacturing Company," approved February 16, 1848; changed to the name of the "Troy Manufacturing Company," by an act approved January 15, 1849, to enable said company to increase its capital stock to two hundred thousand dollars, and to hold real estate to the amount of fifty thousand dollars, and to manufacture cotton.

No. 126. A bill to authorize corporations formed in pursuance of an act entitled "an act to provide for the incorporation of railroad companies," approved May 11, 1852, to file in the office of the Secretary of State a certified copy of their articles of association, and legalizing the action of such corporations in that respect where such certified copy has been heretofore so filed in lieu of the original articles, and prescribing the effect of such copy.

No. 131. An act to legalize irregularities heretofore occurring in the filing of articles of association of plank road companies.

In which the concurrence of the Senate is respectfully requested.

Bills Nos. 109, 126 and 131 contained in the message, were each read the first time and ordered to a second reading.

Also, the following message from the House of Representatives was taken up:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House has passed the following engrossed bills thereof:

No. 99. An act supplementary to an act entitled "an act for the relief of certain persons therein named," approved February 16, 1848.

No. 155. A bill in relation to contracts made by agents or attorneys in fact, under powers of attorney where the name of the principal has not been employed as the party to be charged, and prescribing the effect of such contracts.

No. 115. An act authorizing any person desiring to erect a flouring mill, or other machinery to be propelled by water on his own land, to make a race-way below such mill or machinery through land belonging to other persons, and to regulate the assessment and payment of damages therefor; being an act supplemental to article 41, chapter 1, of part 2d of the Revised Statutes of 1852.

No. 144. An act for the relief of the inhabitants of township twelve north of range nine west, in Vigo county, Indiana, and providing a receiver for certain school moneys belonging to the common school fund of said township.

No. 150. A bill to amend an act entitled "an act authorizing recorders to make out complete or general indexes to records of deeds and mortgages, and to procure and use seals," approved February 16, 1852.

In which the concurrence of the Senate is respectfully requested.

Nos. 99, 155, 115, 144 and 150, contained in the preceding message, were each read the first time, and ordered to a second reading.

The following message was received from the House of Representatives by Mr. Bowes their clerk:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the Speaker has signed the following bills of the Senate: No. 54 and 59; also, Senate joint resolution No. 9.

Mr. Cox, chairman of the committee on Enrolled Bills, made the following report:

MR. PRESIDENT:

The committee on Enrolled Bills have compared the enrolled with the engrossed copy of bill No. 59, a bill to amend an act entitled "an act for a more uniform mode of doing township business," approved May 6, 1852.

Also, bill No. 54, a bill to amend the 37th section of an act entitled "an act defining misdemeanors and prescribing punishment," approved June 14, 1852.

Also, a joint resolution No. 9, relative to granting pensions to widows and orphans, and find the same correctly enrolled.

On motion by Mr. Humphreys,  
The Senate adjourned.

FRIDAY MORNING 9 o'clock, }  
February 25, 1853. }

The Senate assembled.

On motion by Mr. Edwards,  
The reading of the Journal was dispensed with.

Mr. Barnett submitted the following resolution:

*Resolved*, That the Senate will hereafter meet at half past 8 A. M.,  
and half past 1 P. M.

Which was not adopted.

#### ORDERS OF THE DAY.

##### *Senate Bills on Second Reading.*

No. 129. A bill to fix the fees of justices of the peace and constables in certain cases,

Was read the second time by the title.

Mr. Slater moved its reference to the Judiciary committee.

Mr. Brookshire moved to amend by referring to committee on County and Township Business.

Which motion prevailed.

No. 130. A bill prescribing the length of time necessary to procure a residence for the purpose of voting,

Was read a second time.

The question being on the engrossment of the bill,

It was decided in the negative.

No. 131. A bill requiring a final record to be made in certain cases, by the clerks of the circuit courts and courts of common pleas,

Was read the second time and ordered to be engrossed.

No. 132. A bill to provide for the more speedy publication of the Revised Statutes of 1852,

Was read a second time; and,  
 On motion by Mr. Barton,  
 Referred to the Judiciary committee.

No. 128. A bill to repeal certain sections of an act therein named,

Was read the second time; and,  
 On motion by Mr. Morrison,  
 Referred to the committee on Finance.

No. 127. A bill to authorize husbands to convey real estate in certain cases;

Was read the second time; and,  
 On motion by Mr. Humphreys,  
 Referred to the Judiciary committee.

#### SENATE BILLS ON THIRD READING.

No. 122. A bill fixing the time of holding courts in the third judicial circuit;

Was read a third time.

The question being on the passage of the bill,

*Those who voted in the affirmative were,*

Messrs. Adams, Anthony, Barnett, Barton, Black, Brookshire, Butler, Combs, Cox, Cutshaw, Edwards, Gibson, Glazebrook, Griggs, Gordon, Hall, Harris, Hawthorn, Helm, Hendry, Horton, Hosbrook, Humphreys, Jackson of Madison, Jackson of Tipton, Kightley, Meeker, Morrison, Odell, Shallenberger, Shields, Shook, Simpson, Slater, Spann, Sullivan, Vandeventer, Williams, Wilson of Harrison, Wilson of Jay, and Witherow—41.

Mr. Gant voted in the negative—1.

So the bill passed.

Ordered, that the Secretary inform the House thereof.

No. 125. A bill to amend an act entitled "an act to provide against the consequences ensuing or likely to ensue from the destruction of books, pamphlets, papers, records, or other writings of any county in this State, or of any circuit, probate, commissioners, or other inferior court of record therein, or filed with or in the legal custody of any officer of any county in this State, and to provide for the perpetuation of testimony relative to the same, and requiring new official bonds to be given in cases where the bonds of officers, executors, administrators and guardians have been destroyed," approved January 12, 1852;

Was read a third time.

The question being on the passage of the bill,

*Those who voted in the affirmative were,*

Messrs. Adams, Barnett, Barton, Black, Brookshire, Butler, Combs, Cox, Cutshaw, Edwards, Gant, Gibson, Glazebrook, Griggs, Gordon, Hall, Harris, Hawthorn, Helm, Hendry, Horton, Hosbrook, Humphreys, Jackson of Madison, Jackson of Tipton, Kightley, Meeker, Morrison, Odell, Robinson, Shallenberger, Shook, Simpson, Sullivan, Williams, Wilson of Harrison, Wilson of Jay, and Witherow—38.

Mr. Shields voted in the negative—1.

So the bill passed.

Ordered that the Secretary inform the House thereof.

On motion by Mr. Morrison,

Leave of absence was granted to Mr. Roberts on account of sickness.

No. 123. A bill to amend section 13, chapter 1, part 4, vol. 2, of the Revised Statutes of 1852, of an act entitled "an act providing for the election and qualification of justices of the peace, and defining their jurisdiction, powers and duties in civil cases;

Was read the third time; and,

On motion by Mr. Gibson,

Laid on the table.

#### HOUSE BILLS ON SECOND READING.

No. 144. A bill for the relief of the inhabitants of township twelve north, of range nine west, in Vigo county, Indiana, and providing a receiver for certain school moneys belonging to the common school fund of said township;

Was read the second time; and,

On motion by Mr. Humphreys,

Referred to the committee on Education.

No. 142. A bill to regulate the retailing of spirituous liquors, and for the suppression of evils arising therefrom;

Was read the second time.

Mr. Brookshire moved to amend by striking out the words "fifty per cent." Upon which,

The ayes and noes were demanded by Senators Harris and Brookshire.

*Those who voted in the affirmative were,*

Messrs. Adams, Barton, Black, Brookshire, Brown, Combs, Glazebrook, Shields, Slater, Spann, Sullivan, and Wilson of Harrison—12.

*Those who voted in the negative were,*

Messrs. Anthony, Barnett, Butler, Cox, Cutshaw, Edwards, Gant, Gibson, Griggs, Gordon, Hall, Harris, Hawthorn, Helm, Hendry, Horton, Hosbrook, Humphreys, Jackson of Madison, Jackson of Tipton, Kightley, Meeker, Morrison, Odell, Powell, Reynolds, Robinson, Shallenberger, Shook, Simpson, Vandeventer, Williams, Wilson of Jay, and Witherow—34.

So the amendment was not adopted.

Mr. Gibson offered the following amendment: Add—

SEC. —. All laws on the subject of retailing intoxicating or spirituous liquors heretofore enacted are hereby repealed; but all offenses against such laws shall be punished as if such laws had not been repealed.

Mr. Butler moved the previous question,

Which was not seconded.

The amendment of Mr. Gibson was then adopted.

Mr. Wilson of Harrison moved to refer the bill to a select committee of one from each congressional district,

Which was not agreed to.

Mr. Gibson offered the following amendment:

Amend the tenth section as follows:

Strike out "null and void," and insert "voidable at the option of such intoxicated person."

Which was adopted.

Mr. Sullivan moved to amend by striking out the words "one gallon," and insert in lieu thereof "one quart."

Mr. Butler moved to lay the amendment on the table.

Upon which the ayes and noes were demanded by Messrs. Butler and Horton.

*Those who voted in the affirmative were,*

Messrs. Adams, Anthony, Barnett, Barton, Brookshire, Butler, Combs, Cox, Cutshaw, Edwards, Gant, Glazebrook, Griggs, Hall, Hawthorn, Helm, Hendry, Horton, Hosbrook, Jackson of Tipton, Kightley, Meeker, Odell, Powell, Reynolds, Robinson, Shallenberger, Shields, Shook, Simpson, Sullivan, Vandeventer, Williams, Wilson of Jay and Witherow—34.

*Those who voted in the negative were,*

Messrs. Black, Brown, Gibson, Greathouse, Gordon, Humphreys, Jackson of Madison, Morrison, Slater, Spann, and Wilson of Harrison—11.

So the amendment to the amendment was laid on the table.

Mr. Butler moved to lay the amendment of Mr. Sullivan on the table.

Upon which the ayes and noes were demanded by Messrs. Butler and Horton.

*Those who voted in the affirmative were,*

Messrs. Anthony, Barnett, Butler, Cox, Cutshaw, Edwards, Griggs, Hall, Hawthorn, Helm, Hendry, Horton, Hosbrook, Jackson of Tipton, Kightley, Meeker, Odell, Powell, Reynolds, Robinson, Shallenberger, Simpson, Vandeventer, Williams, Wilson of Jay, and Withers—27.

*Those who voted in the negative were,*

Messrs. Adams, Black, Brookshire, Brown, Gant, Gibson, Glazebrook, Greathouse, Gordon, Humphreys, Jackson of Madison, Shields, Shook, Slater, Spann, Sullivan and Wilson of Harrison—18.

So the amendment was laid on the table.

Mr. Gibson offered the following amendment:

Strike out the 2nd section, and insert in lieu thereof the following section:

SEC. 2. The consent required in the preceding section, shall be determined by the number of votes cast for or against license to be expressed on the ticket, and no ticket on which the same is not so expressed shall be counted either way—such consent shall extend for one year from the period of such election, and shall extend to all persons who shall comply with the requirements of the first section, respecting bond and security.

Mr. Butler moved to lay the amendment on the table.

Upon which the ayes and noes were demanded by Messrs. Butler and Hendry.

*Those who voted in the affirmative were,*

Messrs. Butler, Cox, Griggs, Harris, Helm, Hendry, Meeker, Vandeventer and Williams—9.

*Those who voted in the negative were, .*

Messrs. Adams, Anthony, Barnett, Barton, Black, Brookshire, Brown, Combs, Cutshaw, Edwards, Gant, Gibson, Glazebrook, Greathouse, Gordon, Hall, Hawthorn, Horton, Hosbrook, Humphreys, Jackson of Madison, Jackson of Tipton, Kightley, Morrison, Odell, Powell, Reynolds, Robinson, Shallenberger, Shields, Shook,

Simpson, Slater, Spann, Sullivan, Wilson of Harrison, Wilson of Jay, and Witherow—38.

So the amendment was not laid on the table.

Mr. Shook moved to amend the amendment so as to require a majority of those voting to endorse on their tickets the word "license," before such license shall be granted,

Which was not agreed to.

The question then recurring on the amendment of Mr. Gibson,

The ayes and noes were demanded by Senators Adams and Gibson.

*Those who voted in the affirmative were,*

Messrs. Adams, Anthony, Barnett, Barton, Black, Brookshire, Brown, Combs, Cox, Cutshaw, Edwards, Gant, Gibson, Glazebrook, Greathouse, Griggs, Gordon, Hall, Harris, Hawthorn, Hendry, Horton, Hosbrook, Humphreys, Jackson of Madison, Jackson of Tipton, Kightley, Meeker, Morrison, Odell, Powell, Reynolds, Shallenberger, Shields, Shook, Simpson, Slater, Spann, Sullivan, Vandeventer, Wilson of Harrison and Witherow—42.

*Those who voted in the negative were,*

Messrs. Butler, Helm, Robinson, Williams and Wilson of Jay—5.

So the amendment was adopted.

Mr. Humphreys moved to amend by striking out sections 10 and 11,

Upon which,

The ayes and noes were demanded by Messrs. Humphreys and Edwards.

*Those who voted in the affirmative were,*

Messrs. Black, Brookshire, Brown, Gibson, Humphreys, Reynolds, Slater and Wilson of Harrison—8.

*Those who voted in the negative were,*

Messrs. Adams, Anthony, Barnett, Barton, Butler, Combs, Cox, Cutshaw, Edwards, Gant, Glazebrook, Griggs, Gordon, Hall, Harris, Hawthorn, Helm, Hendry, Horton, Hosbrook, Jackson of Madison, Jackson of Tipton, Kightley, Meeker, Morrison, Odell, Powell, Robinson, Shellenberger, Shields, Shook, Simpson, Spann, Sullivan, Vandeventer, Williams, Wilson of Jay and Witherow—38.

So the amendment was not adopted.

Mr. Griggs offered the following amendment:

Amend the third section by striking out the words, "the date thereof," in the 5th line, and insert "from the day of the election at which such consent was granted to retail spirituous liquors."

Amend the 6th line 3d section by striking out the word "year," and insert "time,"

Which were adopted.

Mr. Brown offered the following amendment:

Strike out in the first section the word "annual" and insert the word "April."

Which was agreed to.

Mr. Wilson of Harrison moved to refer the bill and amendments to a select committee of one from each congressional district, with instructions to amend so as to make the bill read in consonance with the prayer of the petitioners.

The question being on referring,

The ayes and noes were demanded by Messrs. Odell and Edwards.

*Those who voted in the affirmative were,*

Messrs. Black, Brookshire, Gant, Glazebrook, Reynolds, Slater and Wilson of Harrison—7.

*Those who voted in the negative were,*

Messrs. Adams, Anthony, Barnett, Barton, Brown, Butler, Combs, Cox, Cutshaw, Edwards, Gibson, Greathouse, Griggs, Gordon, Hall, Harris, Hawthorn, Helm, Hendry, Horton, Hosbrook, Humphreys, Jackson of Madison, Kightley, Meeker, Morrison, Odell, Powell, Robinson, Shallenberger, Shields, Shook, Simpson, Spann, Sullivan, Vandeventer, Williams, Wilson of Jay and Witherow—39.

So the bill was not so referred.

Mr. Gibson offered the following amendment:

SEC. — It is declared that an emergency exists requiring the enactment hereby made that this act shall be in force from and after its passage and publication in the Indiana Journal and Indiana State Sentinel.

Which was adopted.

Mr. Morrison moved to reconsider the vote taken on the amendment of Mr. Brookshire, striking out fifty per cent from the bill.

Which was not agreed to.

Mr. Gibson submitted the following amendment:

Amend the 1st, 3d and 6th sections by striking out 'spirituous,' and insert 'intoxicating.'

Which was agreed to.

Mr. Gibson offered the following amendment:

Amend the 1st section by striking out the words, 'city, town, or.'

Which was adopted.

Mr. Shook submitted the following amendment:

Insert before the word 'mechanical,' in the first section, the word 'sacramental.'

Which was adopted.

The question being on ordering the bill to a third reading,

The ayes and noes were demanded by Messrs. Humphreys and Edwards.

*Those who voted in the affirmative were,*

Messrs. Adams, Anthony, Barnett, Barton, Black, Brookshire, Brown, Butler, Combs, Cox, Cutshaw, Edwards, Gibson, Griggs, Gordon, Hall, Harris, Hawthorn, Helm, Hendry, Horton, Hosbrook, Jackson of Madison, Jackson of Tipton, Kightley, Meeker, Odell, Powell, Reynolds, Robinson, Shallenberger, Shields, Shook, Simpson, Spann, Vandeventer, Williams, Wilson of Jay, and Witherow—39.

*Those who voted in the negative were,*

Messrs. Gant, Glazebrook, Greathouse, Humphreys, Morrison, Slater, Sullivan, and Wilson of Harrison—8.

So the bill was ordered to a third reading.

On motion by Mr. Humphreys,  
The Senate adjourned.

2 o'clock, P. M.

The Senate assembled.

#### ORDERS OF THE DAY RESUMED.

*House bills on second reading.*

No. 131. A bill to legalize irregularities heretofore occurring in the filing of articles of association of plank road companies.

Was read the second time, and ordered to a third reading.

No. 126. A bill authorizing corporations formed in pursuance of an act entitled "an act to provide for the incorporation of railroad companies," approved May 11, 1852, to file in the office of the Secretary of State a certified copy of their articles of association, in lieu of their original articles of association, and legalizing the action of such corporation in that respect, where such copy has been heretofore so filed in lieu of the original articles, and prescribing the effect of such copy.

Was read the second time; and,

On motion by Mr. Anthony,

Referred to the committee on Corporations.

No. 115. A bill authorizing any person desiring to erect a flouring mill or other machinery to be propelled by water on his own land, to make a race-way below such mill or machinery through land belonging to other persons, and to regulate the assessment and payment of damages therefor, being an act supplemental to article 41, chapter 1st of part second of the Revised Statutes of 1852.

Was read a second time and ordered to a third reading.

No. 109. A bill to amend an act entitled "an act to incorporate the Cannelton Steam-mill and Manufacturing Company," approved February 16, 1848; changed to the name of the "Troy Manufacturing company," by an act approved January 15, 1848, to enable said company to increase its capital stock by \$200,000, and to hold real estate to the amount of \$50,000, and to manufacture cotton.

Was read the second time by the title; and,

On motion by Mr. Edwards,

Referred to the committee on Corporations.

No. 99. A bill supplemental to an act entitled "an act for the relief of certain person therein named," approved February 16, 1848.

Was read the second time by the title; and,

On motion by Mr. Sullivan,

Referred to a select committee of three.

Senators Powell, Sullivan and Humphreys were appointed said committee.

No. 204. A bill to provide for the distribution of the township law.

Was read the second time.

Mr. Humphreys moved to suspend the rule and read the bill a third time.

*Those who voted in the affirmative were,*

Messrs. Adams, Anthony, Barnett, Barton, Black, Brookshire, Brown, Butler, Combs, Cox, Cutshaw, Edwards, Gibson, Glazebrook, Griggs, Gordon, Hall, Harris, Hawthorn, Helm, Hendry, Horton, Hosbrook, Humphreys, Jackson of Madison, Jackson of Tipton, Meeker, Morrison, Powell, Reynolds, Robinson, Shields, Simpson,

Slater, Spann, Sullivan, Vandeventer, Wilson of Harrison, Wilson of Jay, and Witherow—40.

Messrs. Gant and Shook voted in the negative.

So the rules were suspended, and the bill read the third time.

The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Adams, Anthony, Barnett, Barton, Black, Brookshire, Brown, Butler, Combs, Cox, Cutshaw, Edwards, Gant, Gibson, Glazebrook, Griggs, Gordon, Hall, Harris, Hawthorn, Helm, Hendry, Horton, Hosbrook, Humphreys, Jackson of Madison, Jackson of Tipton, Kightley, Meeker, Morrison, Powell, Reynolds, Robinson, Shields, Shook, Simpson, Slater, Spann, Sullivan, Vandeventer, Wilson of Harrison, Wilson of Jay, and Witherow—43.

No Senator voted in the negative.

So the bill passed.

Ordered, that the Secretary inform the House thereof.

No. 155. A bill in relation to contracts made by agents or attorneys in fact under power of attorney where the name of the principal has not been employed as the party to be charged, and prescribing the effect of such contract,

Was read the second time by the title; and,

On motion by Mr. Gibson,

Referred to the Judiciary committee.

No. 150. A bill to amend an act entitled "an act authorizing recorders to make out complete or general indexes to records of deeds and mortgages, and to procure and use seals," approved February 16, 1852,

Was read the second time; and,

On motion by Mr. Horton,

Referred to the committee on County and Township Business.

No. 149. A bill authorizing the township trustees in the several townships in this State to administer oaths,

Was read the second time and ordered to a third reading.

Leave being granted,

Mr. Gibson introduced the following bill:

No. 133. A bill regulating the practice of law in certain cases therein named;

Which was read the first time and passed to a second reading.

Mr. Gibson moved to reconsider the vote taken on Senate bill No. 89, which failed for want of a constitutional majority therefor.

Which was agreed to.

Mr. Gibson moved to recommit to a select committee of three, with the following instructions:

Strike out the first section and insert:

That any city incorporated under a special act, shall have power to subscribe stock in any rail road, plank road, or turnpike company, on being petitioned so to do by the resident owners of two-thirds of the real estate within such city.

Amend the title as follows:

An act authorizing cities to subscribe stock in rail road, plank road, or turnpike companies.

Which was agreed to, and

Senators Gibson, Powell and Sullivan were appointed said committee.

#### HOUSE BILLS ON THIRD READING.

No. 90. A bill to amend the 19th section of an act entitled "an act for the more uniform mode of doing township business," approved May 6, 1852,

Was read the third time.

The question being on the passage of the bill,

*Those who voted in the affirmative were,*

Messrs. Adams, Anthony, Barnett, Barton, Brookshire, Brown, Butler, Combs, Cox, Cutshaw, Edwards, Gant, Gibson, Glazebrook, Griggs, Gordon, Hall, Hawthorn, Helm, Hendry, Horton, Hosbrook, Humphreys, Jackson of Madison, Jackson of Tipton, Kightley, Meeker, Morrison, Odell, Powell, Reynolds, Robinson, Shallenberger, Simpson, Spann, Sullivan, Vandeventer, Wilson of Harrison, Wilson of Jay, and Witherow—40.

Messrs. Shields, Shook and Slater, voted in the negative—3.

So the bill passed.

Ordered that the Secretary inform the House thereof.

No. 140. A bill to correct and define more correctly the boundary line between the counties of Warrick and Spencer;

Which was read a third time.

The question being on the passage of the bill,

*Those who voted in the affirmative were,*

Messrs. Adams, Anthony, Barnett, Brookshire, Brown, Butler, Combs, Cox, Cutshaw, Gant, Gibson, Glazebrook, Griggs, Gordon, Hall, Harris, Hawthorn, Helm, Hendry, Horton, Hosbrook, Humphreys, Jackson of Madison, Jackson of Tipton, Kightley, Meeker,

Morrison, Odell, Powell, Reynolds, Robinson, Shallenberger, Shields, Shook, Simpson, Slater, Spann, Vandeventer, Wilson of Harrison, Wilson of Jay, and Witherow—42.

Mr. Sullivan voted in the negative—1.

So the bill passed.

Ordered that the Secretary inform the House thereof.

Leave being granted, Mr. Gibson made the following report from a select committee:

MR. PRESIDENT:

The select committee to whom was referred House bill No. 89, a bill to prohibit the city of Rising Sun from subscribing stock in any company to construct roads leading to or from said city, except on conditions contained in this act," with instructions to amend said bill, have amended the same as instructed, and directed me to report the same back so amended.

Which report was concurred in, and the amendments adopted.

The question being on the passage of the bill,

*Those who voted in the affirmative were,*

Messrs. Adams, Anthony, Barton, Black, Brookshire, Brown, Butler, Combs, Cox, Cutshaw, Edwards, Gibson, Griggs, Gordon, Hall, Hawthorn, Helm, Hendry, Horton, Hosbrook, Humphreys, Jackson of Madison, Jackson of Tipton, Kightley, Meeker, Morrison, Odell, Powell, Reynolds, Robinson, Shallenberger, Shields, Simpson, Slater, Spann, Sullivan, Vandeventer, Wilson of Harrison, and Wilson of Jay—39.

*Those who voted in the negative were,*

Messrs. Barnett, Gant, Glazebrook, Harris, Shook, and Witherow—6.

So the bill passed.

Ordered that the Secretary inform the House thereof.

Leave being granted, Mr. Reynolds made the following report from a select committee:

MR. PRESIDENT:

The select committee to which was referred Senate bill No. 93, entitled "an act directing satisfaction to be entered of a certain

decree therein named, have had the same under consideration, and have directed me to report the same back to the Senate, and respectfully recommend its passage.

The committee availed themselves of the authority given to them by the Senate, to send for persons and papers, and they beg leave to offer for the consideration of the Senate the facts which their investigations have elicited, and the reasons which have led them to submit their recommendation to the Senate, in favor of the passage of the bill.

In the year 1838, John Fischli, a naturalized citizen of the United States, departed this life. He was seized, at the time of his death, of valuable real estate. By the terms of his last will and testament, his whole property was devised to his nephews and nieces, of whom but one was a resident of the United States. Under the then existing law, none of the devisees were legally competent to take under the will, and the State might, by appropriate proceedings in court, have obtained a perfect title to the lands, as an escheat. They made, however, provision by law, that the devisees of Mr. Fischli, might take the lands, by complying with certain conditions. This was in conformity with the settled policy of the State in previous similar cases. No instance can be found, in the history of Indiana, where the State has taken lands, where the deceased proprietor has left kindred either in this country, or beyond the seas. Mr. John Rodolph Fischli, the then resident of this country, took steps to comply with the conditions and took the naturalization oath. The act provided that those of the devisees who came to this country, within seven years, and declared their intention to become citizens of the United States, should be competent to take under the devise, in the same manner as if they were native born citizens. Mr. John Rodolph Fischli died in a few years after the passage of the act, and Mr. John Fischli, Jr., came to this country and declared his intention to become a citizen. He died in January, 1847. By an act of the General Assembly, approved January 19, 1846, entitled "an act for the relief of James Rapheler and others," the Legislature provided that the devisees of said Fischli, Sen., should have the same interest in the lands, as if they had been citizens of the State, at the time of his death, and they were authorized to sell the lands, in person, or by attorney, without coming to the United States. This act was passed before the expiration of the seven years. Many of the persons named in the act were married women and infants, and it was, no doubt, owing to this fact that the Legislature were disposed to exempt them from the necessity of coming to the United States. The title to the lands were vested in the devisees by name, and the persons are expressly named and enumerated in the act.

By the death of Mr. John Rodolph Fischli, one twentieth of said lands, became liable to escheat. An application would have been made for the release of that twentieth, but an effort without precedent, and the committee hope it will be without example, was made

to take this property from those in whom the State by an express and solemn act of the Legislature, had by name, vested it.

It is in evidence before the committee that from time to time attempts were made to procure the passage of a law compelling, within a certain prescribed period, these devisees to bring suit against the State, and that in default thereof the property should be sold, and the proceeds appropriated to a certain county within which they lie. The devisees, by their agent in this country, made the most strenuous resistance to this law. They were fully satisfied with their title. It rested upon the surest foundation. They were the devisees of the deceased proprietor of the lands, and the disability of foreign birth and residence had been removed. They were no doubt informed, that, in a land of laws, where the rights of persons and property are placed under the secure protection of a free constitution, that disability could not be revived consistently with the spirit of that constitution. It is in evidence that the agent of the devisees was anxious to dispose of the lands, and that, with a view of enhancing their value, and of contributing on the part of the devisees to the welfare of the section of the country in which they lie, he subscribed \$12,000 to the Jeffersonville railroad company. Since the death of said John Fischli, senior, the taxes upon the lands have been punctually paid, including the one-twentieth, that was liable to escheat. The committee are of opinion that the State should at once have relinquished this twentieth. It would have enabled the devisees to have sold the land, and to have made therefor a perfect and indisputable title.

Upon the unfounded and fallacious pretence that the whole of the lands had vested in John Fischli, Jr., and that the act of 1846 was unconstitutional; it was asserted that the whole of the lands had escheated to the State upon the death of said John. He had, however, kindred living in the United States at the time of his death, and by the law then and now in force, *bona fide* residents of the United States, were and are competent to take lands, by descent or purchase.

At length, the act approved January 16th, 1849, was passed. Its preamble is at variance with known and proven facts. It compels the devisee to bring suit before the first of October, 1849, in the Marion circuit court. In default of such suit, all persons claiming title to said lands, are forever barred from bringing suit in any court of this State or of the United States, to recover said lands or any interest therein. The proceedings were in chancery, and the State was made a defendant. The act provides that it shall not be necessary for the attorney on the part of the State, to make answer to any of the allegations or charges contained in said bill, but that they should be taken and deemed by the court to be denied, and that the complainants shall be required to prove them. On failure to bring suit not only were the claimants barred, although they might be infants, married women or insane persons, but it was the duty of the Governor, immediately to appoint a person to sell the lands, on a credit

of twenty years. The person to be appointed was styled a commissioner, and he was required to give bond in the sum of \$5000. The proceeds of the sales of such land were to be deposited in the State Treasury, to be by the State thereafter disposed of as the legislature shall deem just. The original bill required the money to be appropriated to the school fund of Jackson county.

Your committee do not believe that the history of any constitutional government in modern times, furnishes a parallel to this act of the Legislature. It is a fact, established by proof before the committee, that the devisees endeavored to defeat the passage of the act. If the title of the heirs was doubtful and the State believed she had a claim to it, why not in this, as in all other cases of a like character, relinquish it? If the State wished to assert her rights, why did she not institute suit and prove her title, as against the devisees, who by their agent, were in possession of the lands? The State at one time relinquished her right, and then compelled the devisees to prove their claim by descent from said Fischli. Suit was brought. The devisees were compelled, in order to make proof of their title, to send a commissioner to Switzerland to examine witnesses. It is in proof before the committee that the expenses to which the devisees have been unavoidably subjected, amount, at least, to the sum of \$1500. The suit terminated in the court as it was supposed and believed by the devisees that it would terminate. They held the lands with the exception of the one-twentieth.

The effect of legislation has been to cast doubts upon the title, and as a necessary consequence, to prevent the sale of the lands. For years, therefore, the devisees have been deprived of any practical benefit from their property. They have been subjected not only to the payment of taxes, but have been driven, under the penalty of its forfeiture, to costly and harrassing litigation to defend the title. Such have been the effects of a policy adopted by a republican government, in the nineteenth century, in the face of a people cherishing a sacred regard for rights guaranteed by the public faith, and by the laws of the land.

The decision in the supreme court is substantially the same as in the court below, except that, by consent, the State, instead of the one-twentieth, took a decree for the sum of \$600, its money equivalent. It is believed by some that a special law, releasing said one-twentieth, ought not to be passed, because all cases might be reached by a general law. The doctrine that all cases might be reached by a general law, has been advanced in an able report, submitted by the honorable Senator from Jackson. All admit that a general law ought to be passed releasing to the kindred of the person, the lands whereof he died seized. Such, however, is the difference of opinion with regard to the details of the law, that at one period of the session it was seriously doubted whether a general act could be passed. Under this state of facts, there could be no perfect title to the lands,

and they must have remained unsold and unoccupied for some time to come.

There is no general law, as yet, authorizing suit to be brought against the State. The State could not, therefore, be made a party to an application for a partition of said lands. The twentieth part of the lands could not, therefore, be set off to the State.

It is in proof that the devisees consented that in lieu of said twentieth, the State should take a decree for \$600, and the object of this bill is to release that part of the decree.

There is no practical distinction between releasing escheated land, and the money equivalent therefor. The committee coincide with the opinion expressed by a select committee of the Senate at the present session, that "upon such subjects, the most generous is the wisest and truest policy." In addition to these considerations, which suggest the propriety of securing the rights of persons from escheat, it is conceived that the stringent legislation which has been made to bear upon these devisees, gives them peculiar claim to the favorable consideration of the legislature. They are residents, with the exception of those now in this country, of a sister republic beyond the seas. Between that republic and the United States, there is an express treaty, protecting property, both real and personal, from escheat in either country where the heir or personal representative lives in the other country. Had Mr. Fischli lived a few years longer, no legislation would have been necessary. The rights of these women and children would have been secured by treaty. The spirit which dictated that treaty should be manifested by our laws. In Switzerland it is understood that for many years past property has not escheated by reason of the alienage of the person who would be otherwise entitled to take the same. This magnanimous policy is worthy of a republic which, though surrounded by imperial and kingly powers, has for so many ages maintained the great doctrine of regulated and constitutional liberty. Let us be equally just to her citizens, and imitate so noble an example.

The majority of the committee recommend the passage of the bill.

Mr. Shields moved to indefinitely postpone the bill; upon which, The ayes and noes were demanded by Senators Gibson and Shields.

*Those who voted in the affirmative were,*

Messrs. Adams, Barnett, Brookshire, Butler, Cutshaw, Gant, Glazebrook, Helm, Hendry, Horton, Hosbrook, Humphreys, Meeker, Shields, Shook, Simpson, Vandeventer, Williams and Wilson of Harrison—19.

*Those who voted in the negative were,*

Messrs. Anthony, Black, Combs, Cox, Edwards, Gibson, Great-house, Griggs, Gordon, Hall, Harris, Hawthorn, Jackson of Madison, Jackson of Tipton, Odell, Reynolds, Shallenberger, Slater, Spann, Wilson of Jay and Witherow—21.

So the bill was not postponed.

The bill was then ordered to be engrossed.

Leave being granted, Mr. Helm presented the petition of P. A. Hackleman and others, on the subject of establishing a common pleas district, of the county of Rush,

Which was,

On motion,

Referred to the committee on the Organization of Courts.

Leave being granted, Mr. Odell made the following report, from a select committee :

MR. PRESIDENT :

The select committee to whom Senate bill No. 114, a bill to amend section 3, of chapter 3, of the third part of the second volume of the Revised Statutes of 1852, of an act to provide for the election and certain of the duties of prosecuting and district attorneys, was referred, have had the same under consideration and have directed me to report the following amendments :

Strike out the second section and all of the first section after the enacting clause to the proviso, and insert the following :

Whenever any prosecuting or district attorney shall receive information of the commission of any felony or such district attorney of the commission of any misdemeanor, he shall cause process to issue from the clerk of the proper court and the clerks of the common pleas and circuit courts, are hereby authorized to issue such process to the sheriffs or their deputies of the said courts, directing such officer to subpœna the persons therein named likely to be acquainted with the commission of said felony or misdemeanor, to appear forthwith before said attorney, and answer any questions under oath that may be propounded by said attorney. And any person failing to appear and testify as aforesaid, and comply with all the provisions of this act shall be guilty of a contempt, and punished accordingly, as is provided by law for the punishment of contempts in other cases. And it shall be the duty of said attorneys to examine any person or persons subpœnaed privately, touching such offense, or any other offense that may be within the knowledge of such person or persons so subpœnaed; and if the facts thus elicited are sufficient to establish a reasonable presumption of guilt in the opinion of such attorney, against the party charged or any other person or

persons, such attorney shall reduce to writing so much of said testimony as amounts to a charge of felony or misdemeanors, subscribed and sworn to before him by said witness, and shall cause such written charge to be filed in the proper court. Whereupon such court shall cause process to issue for the apprehension of the accused as in other cases.

Mr. Butler moved to amend the amendment of the committee by striking out the word "privately."

Which was not agreed to.

The question then being on concurring in the report of the committee.

It was decided in the negative.

The question then recurring on the engrossment of the bill,

It was not agreed to.

#### HOUSE BILLS ON THIRD READING.

No. 48. A bill to amend an act entitled "an act to provide for the erection and repair of bridges," approved May 22, 1852.

Was read the third time.

The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Anthony, Barnett, Barton, Black, Brookshire, Brown, Butler, Combs, Cox, Cutshaw, Edwards, Gibson, Glazebrook, Griggs, Gordon, Hall, Harris, Hawthorn, Helm, Hendry, Horton, Hosbrook, Humphreys, Jackson of Madison, Jackson of Tipton, Kightley, Meeker, Morrison, Odell, Powell, Shields, Shook, Simpson, Spann, Sullivan, Vandeventer, Williams, Wilson of Harrison, Wilson of Jay, and Witherow—41.

Messrs. Gant and Robinson voted in the negative—2.

So the bill passed.

Ordered that the Secretary inform the House thereof.

No. 112. A bill to amend the 5th section of an act entitled "an act for the more uniform mode of doing township business," approved May 6, 1852.

Was read a third time.

The question being on the passage of the bill;

*Those who voted in the affirmative were,*

Messrs. Adams, Anthony, Barnett, Brookshire, Brown, Butler, Combs, Cox, Cutshaw, Edwards, Gant, Glazebrook, Greathouse, Griggs, Gordon, Harris, Hawthorn, Helm, Hendry, Horton, Hosbrook,

Humphreys, Jackson of Madison, Jackson of Tipton, Kightley, Meeker, Morrison, Odell, Powell, Robinson, Shallenberger, Shields, Shook, Simpson, Slater, Spann, Sullivan, Vandeventer, Williams, Wilson of Harrison, Wilson of Jay and Witherow—42.

Messrs. Gibson and Hall voted in the negative—2.

So the bill passed.

Ordered that the Secretary inform the House thereof.

No. 57. A bill to attach township No. 1, north of range 8 west, and sections 31, 32, 33, 34, 35 and 36 in township No. 2, north of range No. 8 west, now constituting a part of the county of Knox to the county of Pike.

Was read a third time.

And the question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Adams, Barnett, Brown, Butler, Combs, Hall, Hawthorn, Horton, Hosbrook, Meeker, Odell, Powell, Robinson, Shallenberger, Spann, Vandeventer, Wilson of Jay and Witherow—18.

*Those who voted in the negative were,*

Messrs. Anthony, Barton, Cox, Cutshaw, Edwards, Gant, Gibson, Glazebrook, Griggs, Gordon, Hendry, Humphreys, Jackson of Madison, Jackson of Tipton, Morrison, Shook, Simpson, Slater, Sullivan, and Wilson of Harrison—20.

So the bill failed for want of a constitutional majority therefor.

On motion by Mr. Meeker,

The Senate adjourned.

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SATURDAY MORNING, 9 o'clock, }  
February 26th, 1853. }

The Senate assembled.

On motion,

The reading of the journal was dispensed with.

## PETITIONS AND MEMORIALS.

By Mr. Simpson:

The petition of 80 residents of this State on the subject of temperance ;

Which was,

On motion,

Referred to the committee on that subject.

By Mr. Griggs:

The petition of sundry citizens of this State on the subject of temperance.

Which was,

On motion,

Referred to the committee on that subject.

## REPORTS FROM COMMITTEES.

By Mr. Witherow from the committee on Education:

MR. PRESIDENT:

The committee on Education, to whom was referred Senate bill No. 112, entitled "an act providing for the sale of the southwest quarter of square No. 25, in the city of Indianapolis, subject to an unexpired lease of ten years," have had the same under consideration, and have directed me to report the bill back to the Senate without amendment.

The question being on the engrossment of the bill,

It was decided in the negative.

Mr. Edwards made the following report, from the committee on Corporations:

MR. PRESIDENT:

The committee on Corporations, to whom was referred House bill No. 109, an act to amend an act entitled "an act to incorporate the Cannelton steam mill and manufacturing company, and to change the name of said company, have had the same under consideration, and have directed me to report the same back to the Senate, and respectfully recommend its passage.

Which report was concurred in, and the bill read the second time and ordered to a third reading.

By Mr. Horton, chairman of the committee on County and Township Business:

MR. PRESIDENT:

The committee on County and Township Business, to whom was referred House bill No. 150, an act to amend an act authorizing recorders to make out complete or general indexes to records of deeds and mortgages, and to procure and use seals," approved February 16, 1852, have had the same under consideration, and have instructed me to report it back, respectfully recommending its passage.

Which report was concurred in, and the bill ordered to a third reading.

The President laid before the Senate the following communication from the Superintendent of the Hospital for the Insane:

INDIANA HOSPITAL FOR THE INSANE, }  
FEBRUARY 25, 1853. }

*To the Honorable,*

*The President of the Senate of the State of Indiana:*

SIR:—The following is in answer to a resolution of the Senate (this day received) inquiring "whether any purchases have been made, either of provisions or merchandise, from any of the commissioners of this institution during the last fiscal year, and if so, from whom.

The steward of this institution during the last fiscal year, has purchased from the house of Kitchen & Blake, (Mr. Blake being a commissioner,) merchandize and provisions, to the amount of one hundred and four dollars and eighty-two cents. The steward has also purchased from Henry Brady (commissioner) one cow, for which was paid the sum of twenty dollars.

The above is the entire amount of the purchases made from commissioners during the last fiscal year.

Very respectfully,

RICHARD J. PATTERSON,

*Superintendent.*

Which communication was,

On motion,

Referred to the committee on Benevolent Institutions.

Report by Mr. Powell, from a select committee:

MR. PRESIDENT:

The select committee to whom was referred House bill No. 99, an act supplemental to an act entitled "an act for the relief of certain persons therein named," approved February 16, 1848, have had the

same under consideration, and have instructed me to report the same back and recommend its passage.

Which report was concurred in, and the bill read the second time and ordered to a third reading.

Mr. Butler submitted the following resolution:

*Resolved*, The House concurring, that the Superintendent of the Indiana Hospital for the Insane be directed to receive Minerva Webster, of Richmond, Indiana, who has recently become insane, into said Hospital, and to treat her as others admitted on application.

Which was adopted.

#### BILLS INTRODUCED.

By Mr. Anthony:

No. 134. A bill to provide for the manner in which railroad companies may consolidate stock,

Which was read the first time and passed to a second reading.

By Mr. Horton:

No. 135. A bill to amend sections 1, 4 and 33, of an act entitled "an act for the government of the Indiana Hospital for the Insane, and the care of the insane of Indiana," approved January 15, 1852,

Which was read a first time and passed to a second reading.

On motion by Mr. Gibson,

The order of business was suspended,

And the following message from the House of Representatives taken up:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate, that the House have passed the following engrossed bill of the Senate, viz:

Bill No. 53. An act to authorize and regulate suits against the State, with an engrossed amendment thereto.

In which the concurrence of the Senate is respectfully requested.

The question being on concurring in the engrossed amendments of the House to Senate bill No. 53, contained in the foregoing message.

It was decided in the negative.

The following message from the House of Representatives was taken up:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Sen-

ate that the House refuses to concur in the engrossed amendments of the Senate to bill of the House No. 88, an act to amend an act entitled "an act for the support and management of the Indiana Institute for the education of the Blind," approved June 18, 1852. Also, amendatory to an act entitled "an act to provide for the government and support of the Institution for the education of the Deaf and Dumb," approved June 14, 1852.

Mr. Gibson moved that the Senate recede from their engrossed amendments of the House bill No. 88, contained in the message.

Which was agreed to.

The following message was received from the House of Representatives, by Mr. Bowes, their Clerk:

**MR. PRESIDENT:**

I am directed by the House of Representatives to inform the Senate that the House has passed the following engrossed bill thereof:

No. 178. A bill to amend an act providing for the settlement of decedents' estates, prescribing the rights, liabilities and duties of officers connected with the management thereof, and the heirs thereto, and certain forms to be used in such settlement, approved June 17, 1852.

In which the concurrence of the Senate is respectfully requested.

No. 178, contained in the preceding message, was read the first time and ordered to a second reading.

Mr. Brown moved to suspend the rules and read the bill a second time.

*Those who voted in the affirmative were,*

Messrs. Adams, Anthony, Barnett, Barton, Brookshire, Brown, Butler, Combs, Cox, Cutshaw, Edwards, Gant, Gibson, Glazebrook, Griggs, Gordon, Hall, Harris, Hawthorn, Hendry, Horton, Hosbrook, Humphreys, Jackson of Madison, Jackson of Tipton, Kightley, Meeker, Morrison, Odell, Robinson, Shallenberger, Shields, Shook, Simpson, Slater, Spann, Sullivan, Vandeventer, Williams, Wilson of Harrison, Wilson of Jay and Witherow—42.

So the rules were suspended.

The bill was read a second time by its title; and,

On motion,

Referred to the Judiciary committee.

The following message from the House of Representatives was taken up:

**MR. PRESIDENT:**

I am directed by the House of Representatives to inform the Senate that the House have passed the following engrossed bill thereof:

Bill No. 110. A bill to revise and amend an act entitled "an act to authorize and regulate the business of general banking," approved May 28, 1852.

In which the concurrence of the Senate is respectfully requested.

Mr. Gibson moved to suspend the rules, and read bill No. 110, contained in the foregoing message the first time by the title.

*Those who voted in the affirmative were,*

Messrs. Adams, Anthony, Barton, Brookshire, Brown, Butler, Combs, Cox, Cutshaw, Gant, Gibson, Glazebrook, Griggs, Gordon, Hall, Harris, Hawthorn, Helm, Hendry, Horton, Hosbrook, Humphreys, Jackson of Madison, Jackson of Tipton, Kightley, Meeker, Morrison, Odell, Powell, Robinson, Shook, Simpson, Slater, Spann, Sullivan, Vandeventer, Williams, Wilson of Harrison, Wilson of Jay and Witherow—40.

So the rules were suspended, the bill read a first time by the title, and ordered to a second reading.

Also, the following message from the House of Representatives, was taken up.

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House have passed the following engrossed bills thereof:

Bill No. 154. An act to amend the 14th section of an act entitled "an act providing for the incorporation of bridge companies," approved March 9th, 1852.

Also bill No. 160. An act to amend section 4 and section 6 of an act entitled "an act prescribing the powers and duties of coroners," approved May 27, 1852.

Also bill 179. An act in regard to criminal prosecutions against the trustees of the Wabash and Erie canal.

Also bill No. 157. An act in relation to the reservoir in the counties of Gibson and Clay.

In which the concurrence of the Senate is respectfully requested.

No. 157 contained in the message was read the first time.

Mr. Hawthorn moved to suspend the rule and read the bill a second time.

*Those who voted in the affirmative were,*

Messrs. Barnett, Barton, Brookshire, Brown, Butler, Combs, Edwards, Gant, Glazebrook, Greathouse, Griggs, Hall, Harris, Haw-

thorn, Helm, Hendry, Horton, Hosbrook, Humphreys, Jackson of Madison, Jackson of Tipton, Kightley, Meeker, Morrison, Powell, Reynolds, Robinson, Shallenberger, Shields, Shook, Simpson, Slater, Spann, Sullivan, Vandeventer, Wilson of Harrison, Wilson of Jay, and Witherow—37.

*Those who voted in the negative were,*

Messrs. Cox, Cutshaw, Gibson, Gordon, and Odell—5.

So the rules were suspended, the bill read a second time by the title; and,

On motion by Mr. Hawthorn,

Referred to the committee on Canals and Internal Improvements.

No. 179, 154, 160, contained in the message were each read the first time and passed to a second reading.

Mr. Wilson of Harrison moved to suspend the rules and read bill No. 160 the second time now by the title.

*Those who voted in the affirmative were,*

Messrs. Adams, Anthony, Barnett, Barton, Brookshire, Brown, Combs, Cox, Cutshaw, Edwards, Gant, Gibson, Greathouse, Griggs, Gordon, Hall, Harris, Helm, Hendry, Horton, Humphreys, Jackson of Tipton, Meeker, Morrison, Powell, Reynolds, Robinson, Shellenberger, Shields, Shook, Simpson, Slater, Spann, Williams, Wilson of Harrison, Wilson of Jay and Witherow—38.

So the rules were suspended, the bill read the second time by the title; and,

On motion by Mr. Wilson of Harrison,

Referred to a select committee of three.

Senators Wilson of Harrison, Williams and Powell, were appointed said committee.

On motion by Mr. Gibson,

The vote receding from the amendments of the Senate to House bill No. 88, was reconsidered.

Mr. Gibson moved that the Senate recede from the 1st, 2d, 3d, 4th, 5th and 6th engrossed amendments of the Senate, and insist on the 7th amendment.

Which was agreed to.

The following message was received from his Excellency the Governor by Mr. Tarkington, executive messenger.

MR. PRESIDENT:

"I am directed by the Governor to inform the Senate that the following bill has been by him signed and approved:

No. 96. A bill amendatory of, and supplemental to, an act entitled "an act to incorporate the Indiana cotton mills," approved February 15, 1848;

Which originated in the Senate.

Mr. Cox made the following report, from the committee on Enrolled Bills:

MR. PRESIDENT:

The committee on Enrolled Bills have compared the enrolled with the engrossed copy of bill No. 66, a bill to enable turnpike, plank, gravel and McAdamized road companies heretofore chartered, who have gone on to construct their roads, but have failed to complete the same within the time specified in their charters to complete their unfinished roads.

Also, bill No. 25, a bill to amend an act therein mentioned;

Also, a bill to provide compensation to the owners of animals killed or injured by the cars, locomotives or other carriages of any railroad company in this State, and find the same correctly enrolled.

Mr. Hawthorn moved to reconsider the vote referring House bill No. 157, to the committee on Canals and Internal Improvements;

Which was agreed to.

On motion by Mr. Hawthorn,

The bill was referred to a select committee of five.

Senators Hawthorn, Combs, Brown, Barnett and Black, were appointed said committee.

By unanimous consent,

Mr. Shields introduced bill

No. 136. A bill to regulate the crossings of railroads over public highways and private roads;

Which was read the first time and passed to a second reading.

Mr. Shields moved to suspend the rules and read the bill a second time.

*Those who voted in the affirmative were,*

Messrs. Adams, Anthony, Barnett, Barton, Black, Brookshire, Brown, Combs, Cox, Cutshaw, Edwards, Gant, Gibson, Glazebrook, Greathouse, Griggs, Gordon, Hall, Harris, Hawthorn, Hendry, Horton, Hosbrook, Humphreys, Jackson of Madison, Jackson of Tipton, Meeker, Morrison, Odell, Powell, Reynolds, Robinson, Shallenberger, Shields, Shook, Simpson, Slater, Spann, Sullivan, Williams, Wilson of Harrison, Wilson of Jay, and Witherow—43.

So the rules were suspended, the bill read the second time; and,

On motion by Mr. Shields,  
Referred to the Judiciary committee.

On motion by Mr. Barton,

House bill No. 55, a bill to amend an act for the government of the Indiana Hospital for the Insane,

Was taken from the table and referred to the committee on Benevolent Institutions.

Leave being granted, Mr. Jackson of Madison made the following report, from the committee on Public Buildings:

MR. PRESIDENT:

The joint committee upon Public Buildings direct me to report that in discharge of their duties made personal inspection of the property of the State occupied by the Treasurer of State at his office and residence, and find upon view that the same needs repairs for the comfort of the officer and family, and for the preservance of the same. Your committee called to their aid mechanics, obtained their opinion and estimate of all needful repairs to said property; and find that all the necessary repairs are estimated at three hundred dollars; all of which your committee deem proper and necessary. Your committee recommend that an appropriation be made without delay.

On motion by Mr. Brown,

The report was referred to the committee on Finance.

On motion by Mr. Brown,

The order of business was suspended; and,

House bill No. 110, was taken up, a bill to revise and amend an act entitled "an act to authorize and regulate the business of general banking," approved May 28, 1852.

Mr. Brown moved to suspend the rules, and read the bill the second time.

*Those who voted in the affirmative were,*

Messrs. Adams, Anthony, Barnett, Barton, Brookshire, Brown, Butler, Combs, Cox, Cutshaw, Edwards, Gant, Gibson, Glazebrook, Greathouse, Griggs, Hall, Harris, Hawthorn, Helm, Hendry, Horton, Hosbrook, Humphreys, Jackson of Madison, Jackson of Tipton, Kightley, Meeker, Morrison, Odell, Powell, Robinson, Shallenberger, Shields, Shook, Simpson, Slater, Spann, Sullivan, Williams, Wilson of Harrison, Wilson of Jay and Witherow—42.

So the rules were suspended,

The bill read a second time by the title; and,

On motion by Mr. Brown,

Referred to the committee on Banks.

Leave being granted, Mr. Barnett submitted the following resolution :

*Resolved*, That when the Senate adjourn it will adjourn to meet on Monday morning, 9 o'clock.

Which was not adopted.

On motion by Mr. Edwards,

The Governor's veto message on House bill No. 47, was taken up. A bill to authorize the relocation of the seat of justice of the county of Clay, and to authorize the receiving of subscriptions and donations for the erection of public buildings in said county.

The question being, shall the bill pass, the Governor's veto to the contrary notwithstanding?

*Those who voted in the affirmative were,*

Messrs. Adams, Barnett, Brookshire, Butler, Combs, Cox, Edwards, Greathouse, Griggs, Gordon, Hall, Harris, Hawthorn, Helm, Meeker, Odell, Powell, Reynolds, Shallenberger, Shields, Simpson, Sullivan, Williams, Wilson of Harrison, Wilson of Jay and Witherow—26.

*Those who voted in the negative were,*

Messrs. Anthony, Cutshaw, Gant, Gibson, Glazebrook, Horton, Hosbrook, Humphreys, Jackson of Madison, Jackson of Tipton, Morrison, Shook and Spann—13.

So the bill passed.

Ordered that the Secretary inform the House thereof.

Mr. Wilson of Harrison made the following report from a select committee :

MR. PRESIDENT :

The select committee to which was referred a bill of the House No. 160, a bill to amend section 4 and section 6 of an act entitled an act prescribing the powers and duties of coroners, approved May 27, 1852, have directed me to report the following amendments thereto :

Add sections 3 and 4 :

SEC. 3. *Provided, however*, That justices of the peace shall have all the powers, perform all the duties and be governed in all respects by this and every other act regulating the duties and compensation of coroners, in regard to holding inquests.

SEC. 4. Whereas an emergency exists for the passage of this act,

it is hereby declared that this act shall take effect and be in force from and after its passage and publication in the Indiana State Journal and State Sentinel.

On motion by Mr. Gibson,

The bill and proposed amendments were referred to the Judiciary committee.

On motion by Mr. Odell,

The order of business was suspended, and,

Senate bill No. 98, was taken from the table, a bill to fix the time for holding the circuit courts in the 8th judicial circuit.

The question being on the passage of the bill.

*Those who voted in the affirmative were,*

Messrs. Adams, Anthony, Barnett, Barton, Brookshire, Brown, Butler, Combs, Cox, Cutshaw, Edwards, Gant, Gibson, Glazebrook, Greathouse, Griggs, Gordon, Hall, Harris, Hawthorn, Helm, Hendry, Horton, Hosbrook, Humphreys, Jackson of Madison, Jackson of Tipton, Meeker, Morrison, Odell, Powell, Reynolds, Robinson, Shields, Shook, Simpson, Spann, Sullivan, Vandeventer, Williams, Wilson of Harrison, Wilson of Jay, and Witherow—43.

So the bill passed.

Ordered that the Secretary inform the House thereof.

On motion by Mr. Gibson,

Leave was granted the Judiciary committee to sit during the session of the Senate.

#### ORDERS OF THE DAY.

##### *Senate Bills on Third Reading.*

No. 102. A bill fixing the time of holding the courts of common pleas, and the length of the terms thereof in the several counties of this State.

Was read a third time.

Mr. Barton moved to lay the bill on the table.

Which motion did not prevail.

When,

On motion by Mr. Brown,

The bill was laid on the table.

Leave being granted,

Mr. Vandeventer made the following report from the committee on Corporations:

MR. PRESIDENT:

The committee on Corporations to whom was referred House bill No. 126, entitled a bill authorizing corporations formed in pursuance of an act entitled "an act to provide for the incorporation of railroad companies," approved May 11, 1852, to file in the office of Secretary of State a certified copy of their articles of association, in lieu of their original articles of association, and legalizing the action of such corporation in that respect, where such copy has been heretofore so filed in lieu of the original articles, and prescribing the effect of such copy, have had the same under consideration, and instructed me to report the bill back to the Senate with the following amendment, to-wit:

Add at the end of section 3 as follows;

*Provided, however,* Such corporation shall within six months after the taking effect of this act, authenticate the copy so filed by a proper certificate or file in the office of the Secretary of State, in lieu of the copy heretofore filed, another copy of such original articles of association, duly certified and authenticated by the proper officer or officers of such corporation, and when so amended to recommend the passage of the bill.

Which report was concurred in, and the bill ordered to a third reading.

On motion by Mr. Anthony,

Leave of absence was granted to Mr. Richardson.

On motion by Mr. Morrison,

Leave of absence was granted to Mr. Kightley until next Monday morning.

No. 133. A bill regulating the practice of law in certain cases therein named.

Was read a second time by the title; and,

On motion by Mr. Horton,

Referred to the committee on the Judiciary.

No. 93. A bill directing satisfaction to be entered of a certain decree therein named.

Was read a third time.

The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Adams, Anthony, Barton, Black, Combs, Edwards, Gibson, Greathouse, Griggs, Gordon, Harris, Helm, Humphreys, Jackson of Madison, Jackson of Tipton, Morrison, Odell, Powell, Reynolds, Slater, Spann, Wilson of Harrison, Wilson of Jay, and Witherow  
—24.

*Those who voted in the negative were,*

Messrs. Barnett, Brookshire, Brown, Butler, Cox, Gant, Glazebrook, Hall, Hawthorn, Hendry, Horton, Hosbrook, Meeker, Robinson, Shallenberger, Shields, Shook, Simpson, Vandeventer, and Williams—20.

So the bill did not pass for the want of a constitutional majority therefor.

No. 124. A bill to provide for the selection and empannelling of petit jurors in the court of common pleas, and providing compensation therefor, being supplemental to an act entitled an act prescribing the manner of empannelling petit jurors, the number and compensation thereof, approved May 20, 1852.

Was read a third time.

The question being on the passage of the bill,

*Those who voted in the affirmative were,*

Messrs. Adams, Anthony, Barnett, Barton, Black, Brookshire, Brown, Butler, Combs, Cox, Cutshaw, Edwards, Gant, Gibson, Glazebrook, Greathouse, Griggs, Gordon, Hall, Harris, Hawthorn, Helm, Hendry, Horton, Hosbrook, Humphreys, Jackson of Madison, Meeker, Odell, Powell, Reynolds, Shallenberger, Shook, Simpson, Spann, Sullivan, Vandeventer, Williams, Wilson of Harrison, Wilson of Jay, and Witherow—39.

Mr. Robinson voted in the negative.

So the bill passed.

Ordered that the Secretary inform the House thereof.

No. 114. A bill for the relief of Henry Pittenger of Delaware county, and prescribing the duty of the auditor of said county in relation thereto.

Was read a third time.

The question being shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Adams, Anthony, Barnett, Barton, Black, Brookshire, Brown, Combs, Cox, Cutshaw, Edwards, Gibson, Glazebrook, Greathouse, Griggs, Gordon, Hall, Harris, Hawthorn, Helm, Hendry, Horton, Hosbrook, Humphreys, Jackson of Madison, Jackson of Tipton, Meeker, Morrison, Powell, Reynolds, Robinson, Shallenberger, Shields, Simpson, Slater, Spann, Sullivan, Vandeventer, Williams, Wilson of Harrison, Wilson of Jay, and Witherow—42.

Messrs. Gant and Shook voted in the negative.

So the bill passed.

Ordered that the Secretary inform the House thereof.

No. 107. A bill to amend section 3 of an act entitled an act for the regulation of weights and measures, approved June 9th, 1852.

Was read the third time.

The question being on the passage of the bill,

*Those who voted in the affirmative were,*

Messrs. Adams, Anthony, Barton, Black, Brown, Butler, Combs, Cox, Cutshaw, Edwards, Gant, Gibson, Glazebrook, Greathouse, Griggs, Gordon, Hall, Harris, Hawthorn, Helm, Hendry, Horton, Hosbrook, Jackson of Madison, Jackson of Tipton, Meeker, Morrison, Powell, Reynolds, Robinson, Shallenberger, Shields, Shook, Simpson, Slater, Spann, Sullivan, Vandeventer, Williams, Wilson of Harrison, Wilson of Jay and Witherow—42.

No Senator voting in the negative.

So the bill passed.

Ordered that the Secretary inform the House thereof.

Leave being granted,

Mr. Gibson submitted the following resolution:

*Resolved*, That when the Senate adjourn, it adjourn to meet at half past three o'clock this afternoon.

Which was adopted.

No. 142. A bill to regulate the retailing of spirituous liquors, and for the suppression of the evils arising therefrom.

Was read the third time.

Mr. Wilson of Harrison moved to lay the bill on the table.

The ayes and noes were demanded by Senators Wilson of Harrison and Humphreys:

*Those who voted in the affirmative were,*

Messrs. Barton, Brown, Gant, Glazebrook, Greathouse, Humphreys, Morrison, Slater, Sullivan, and Wilson of Harrison—10.

*Those who voted in the negative were,*

Messrs. Adams, Anthony, Barnett, Butler, Combs, Cox, Cutshaw, Edwards, Gibson, Griggs, Hall, Harris, Hawthorn, Helm, Hendry, Horton, Hosbrook, Jackson of Madison, Jackson of Tipton, Meeker,

Powell, Reynolds, Robinson, Shallenberger, Shields, Shook, Simpson, Spann, Vandeventer, Williams, Wilson of Jay, and Witherow—32.

So the bill was not laid on the table.

The question being on the passage of the bill.

Pending which,

On motion by Mr. Adams,

The further consideration of the bill was informally passed over.

No. 115. A bill authorizing any person desiring to erect a flouring mill or other machinery to be propelled by water on his own land, to make a raceway below such mill or machinery through land belonging to other persons, and to regulate the assessment and payment of damages therefor, being an act supplemental to article 41, chapter 1 of part 2d of Revised Statutes of 1852.

Was read the third time;

The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Adams, Anthony, Barton, Black, Brown, Butler, Combs, Cox, Cutshaw, Edwards, Gant, Glazebrook, Greathouse, Griggs, Gordon, Hall, Harris, Hawthorn, Helm, Hendry, Horton, Hosbrook, Humphreys, Jackson of Madison, Jackson of Tipton, Meeker, Morrison, Powell, Reynolds, Robinson, Shallenberger, Shields, Shook, Simpson, Slater, Sullivan, Vandeventer, Williams, Wilson of Jay, and Witherow—40.

Messrs. Barnett, Brookshire, and Wilson of Harrison voted in the negative—3.

So the bill passed.

Ordered, that the Secretary inform the House thereof.

No. 131. A bill to legalize irregularities heretofore occurring in the filing of articles of association of plank road companies.

Was read a third time.

And the question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Adams, Anthony, Barnett, Barton, Black, Brookshire, Brown, Butler, Combs, Cutshaw, Edwards, Gant, Gibson, Glazebrook, Greathouse, Griggs, Gordon, Hawthorn, Helm, Hendry, Horton, Hosbrook, Humphreys, Jackson of Madison, Jackson of Tipton, Meeker, Odell, Powell, Reynolds, Robinson, Shellenberger, Shook, Simpson, Slater, Sullivan, Vandeventer, Williams, Wilson of Harrison, Wilson of Jay and Witherow—40.

Messrs. Cox, Harris and Morrison voted in the negative—3.

So the bill passed.

Ordered that the Secretary inform the House thereof.

No. 144. A bill for the relief of the inhabitants of township twelve, north of range nine west, in Vigo county, Indiana, and providing a receiver for certain school moneys belonging to the common school fund of said township.

Was read the third time,

The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Adams, Anthony, Barnett, Barton, Brookshire, Combs, Cutshaw, Edwards, Gant, Glazebrook, Griggs, Hall, Hawthorn, Helm, Hendry, Horton, Hosbrook, Humphreys, Jackson of Madison, Jackson of Tipton, Meeker, Odell, Powell, Reynolds, Robinson, Shallenberger, Shook, Simpson, Slater, Sullivan, Williams, Wilson of Harrison, and Wilson of Jay—32.

*Those who voted in the negative were,*

Messrs. Butler, Cox, Gibson, Harris, Morrison, Shields, Vandeventer, and Witherow—8.

So the bill passed.

Ordered that the Secretary inform the House thereof.

No. 149. A bill authorizing the township trustees in the several townships in this State to administer oaths.

Was read a third time,

The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Adams, Anthony, Barnett, Barton, Black, Brookshire, Brown, Butler, Combs, Cox, Cutshaw, Gant, Gibson, Glazebrook, Griggs, Gordon, Hall, Harris, Hawthorn, Helm, Hendry, Horton, Hosbrook, Humphreys, Jackson of Madison, Meeker, Odell, Powell, Reynolds, Robinson, Shallenberger, Shields, Shook, Simpson, Slater, Sullivan, Vandeventer, Williams, Wilson of Harrison, Wilson of Jay and Witherow—41.

Mr. Edwards voted in the negative.

So the bill passed.

Ordered that the Secretary inform the House thereof.

Mr. Morrison moved that the Senate adjourn.

Which was not agreed to.

House bill No. 142. A bill regulating the sale and traffic in spirituous liquors ;

Was then taken up.

Mr. Black moved to recommit the bill to the Temperance committee with the following instructions :

Strike out "intoxicating liquors," in the engrossed amendment of the Senate, and insert "spirituous liquors."

Upon which,

The ayes and noes were demanded by Senators Black and Wilson of Harrison.

*Those who voted in the affirmative were,*

Messrs. Anthony, Barton, Black, Brown, Gant, Glazebrook, Greathouse, Griggs, Gordon, Harris, Humphreys, Jackson of Madison, Morrison, Odell, Reynolds, Shook, Slater, Sullivan, Vandeventer, Wilson of Harrison, and Witherow—20.

*Those who voted in the negative were,*

Messrs. Adams, Barnett, Brookshire, Butler, Combs, Cox, Cutshaw, Edwards, Hall, Hawthorn, Helm, Hendry, Horton, Hosbrook, Jackson of Tipton, Meeker, Powell, Robinson, Shallenberger, Shields, and Simpson—23.

So the bill was not recommitted.

On motion by Mr. Barnett,

Leave of absence was granted Mr. Combs until Monday afternoon next.

On motion by Mr. Morrison,

The Senate adjourned.

3½ o'clock, P. M.

The Senate assembled.

On motion,

Mr. Witherow took the chair.

Leave being granted,

Mr. Sullivan, chairman of the committee on Finance, made the following report:

**MR. PRESIDENT :**

The committee on Finance to whom was referred Senate bill No. 128, "a bill to repeal certain sections of an act therein named," have had the same under consideration, and directed me to report it back without amendment and recommend its passage.

Which was concurred in by the Senate and the bill ordered to be engrossed.

Mr. Gibson made the following report from the Judiciary committee:

**MR. PRESIDENT :**

The Judiciary committee to whom was referred Senate bill No. 132, "a bill to provide for the more speedy publication of the Revised Statutes," have had the same under consideration, and directed me to report the same back with the following amendment, and when so amended recommend its passage:

Strike out from the enacting clause and insert:

That all laws passed at the last, and the present session of the General Assembly, and not declared to be in force at some time therein specified, shall take effect and be in force from and after the first day of June one thousand eight hundred and fifty-three, and it is made the duty of the proper officers to publish and circulate such laws with all possible speed.

SEC. 2. It is declared that an emergency exists requiring the enactment hereby made, and that this act shall be in force from and after its passage.

Amend the title as follows:

An act declaring when the acts of the last and present session of the General Assembly shall take effect.

Which report was concurred in, the amendments adopted, and the bill ordered to be engrossed.

On motion by Mr. Harris,

Leave of absence was granted Mr. Odell until Monday next.

Mr. Gibson, chairman of the Judiciary committee, made the following report:

**MR. PRESIDENT :**

The committee on the Judiciary to whom was referred House bill No. 178, a bill to amend "an act providing for the settlement of decedents' estates, prescribing the rights, liabilities and duties of officers connected with the management thereof, and the heirs thereto, and certain forms to be used in such settlement," approved June,

1852, have had the same under consideration and have directed me to report the same back to the Senate, with the following amendments, and when so amended, recommend the passage of the bill and ask to be discharged from the further consideration thereof.

Amend the 5th section by inserting after the word "time," in the eleventh line of said section the words "the expenses of last illness, funeral expenses." Also, by striking out the word "thirty" when it occurs in said section, and inserting the word "ten" instead thereof. Also, by inserting after the word "attached" in the thirteenth line the following words, viz:

Which affidavit may be sworn to before, and certified by, the executor or administrator of such estate.

Which report was concurred in, the amendments adopted, and the bill ordered to a third reading.

Mr. Barnett made the following report from a select committee:

MR. PRESIDENT:

The select committee to whom was referred Senate bill No. 126, entitled "an act to provide for the erection of a house of refuge," have had that subject under consideration, and have directed me to report the same back to the Senate with the following amendment, and when so amended to recommend its passage:

Strike out all after the enacting clause and insert the following:

SEC. 1. There shall be erected in each of the present Supreme Court districts of this State a house of refuge.

SEC. 2. The Governor, Auditor, Secretary and Treasurer of State, shall appoint three commissioners in each of said districts, who shall constitute a building committee to carry out the provisions of this act.

SEC. 3. Such commissioners when so appointed and qualified, shall purchase a site for said building not more than 40 acres in extent, at some point by them to be agreed upon within their respective districts.

SEC. 4. Such commissioners shall, on some plan to be by them agreed upon, cause such house of refuge in their respective districts to be built within two years next ensuing.

SEC. 5. There is hereby appropriated out of any money in the treasury not otherwise appropriated, the sum of twenty thousand dollars, to be expended equally within said districts in the purchase of a site and the erection of a building.

Which report was concurred in, the amendments adopted, the bill read the second time, and ordered to be engrossed.

The Senate then resumed the consideration of House bill No. 142.

On motion by Mr. Gibson,

The bill was referred to a select committee of three with the following instructions:

Strike out "intoxicating" wherever it occurs in the bill and insert "spirituous."

Senators Gibson, Edwards and Harris were appointed said committee.

Leave being granted,

Mr. Reynolds presented the petition of sundry citizens of Fountain county on the subject of temperance;

Which was,

On motion,

Referred to the committee on that subject.

Mr. Gibson made the following report from a select committee :

MR. PRESIDENT :

The select committee to whom was referred House bill No. 142, a bill to regulate the retailing of spirituous liquors, and for the suppression of evils arising therefrom, with instructions to amend the same, have amended the said bill as directed, and report the same back so amended.

Which report was concurred in by the Senate.

The question being on the passage of the bill,

Pending which,

Mr. Wilson of Harrison, moved that the Senate adjourn, it being 10 minutes before 6 o'clock.

The ayes and noes were demanded by ten Senators.

*Those who voted in the affirmative were,*

Messrs. Adams, Barton, Black, Brown, Gant, Griggs, Gordon, Hawthorn, Humphreys, Morrison, Reynolds, Shallenberger, Slater, Spann and Wilson of Harrison—15.

*Those who voted in the negative were,*

Messrs. Anthony, Brookshire, Butler, Cox, Cutshaw, Edsall, Great-house, Hall, Horton, Hosbrook, Jackson of Tipton, Meeker, Powell, Robinson, Shields, Shook, Simpson, Sullivan, Williams, Wilson of Jay and Witherow—22.

So the Senate did not adjourn.

The question recurring on the passage of the bill,

Mr. Brown being entitled to the floor.

On motion by Mr. Shields,

The Senate adjourned.

MONDAY MORNING, 9 o'clock, }  
February 28, 1853. }

The Senate assembled.

On motion by Mr. Edwards,

The reading of the journal was dispensed with.

Mr. Edwards presented the petition of 46 ladies and 45 voters of this State on the subject of prohibiting the manufacture and sale of ardent spirits,

Which were,

On motion,

Referred to the committee on Temperance.

Reports from the Judiciary committee:

By Mr. Witherow:

MR. PRESIDENT:

The committee on the Judiciary to whom was referred House bill No. 160, entitled "an act to amend section 4 and section 6, of an act entitled an act prescribing the duties of coroners," approved May 27, 1852, have had the same under consideration and have directed me to report the same back to the Senate and ask that the pending amendments be laid on the table, recommend the passage of the bill and ask to be discharged from the further consideration thereof.

Which report was concurred in,

The bill read the second time and ordered to a third reading.

By Mr. Gant:

MR. PRESIDENT:

The committee on the Judiciary, to whom was referred the petition of Frederick Ellerman and others, to incorporate a Church for them, have had the same under consideration, and have directed me to report the same back to the Senate, and recommend that it be laid on the table.

Which was concurred in by the Senate.

By Mr. Anthony:

MR. PRESIDENT:

The committee on the Judiciary to whom was referred bill No. 129, entitled "a bill to fix the fees of justices of the peace and constables in certain cases," have had the same under consideration,

and have directed me to report the bill back to the Senate, recommend that it be laid on the table, and ask to be discharged from the further consideration thereof.

Concurred in.

By Mr. Harris:

MR. PRESIDENT:

The committee on the Judiciary to whom was referred bill No. 127, entitled "a bill to authorize husbands to convey real estate in certain cases," have had the same under consideration, and have directed me to report the same back to the Senate, recommend that it be indefinitely postponed, and ask to be discharged from the consideration thereof.

Concurred in.

The following report was made by Mr. Hawthorn from a select committee:

MR. PRESIDENT:

The select committee to whom was referred bill No. 157, of the House, entitled a bill in relation to the reservoirs in the counties of Gibson and Clay, have had the same under consideration and directed me to report the same back to the Senate without amendment, and recommend its passage.

Which report was concurred in,

The bill read the second time and ordered to a third reading.

On motion by Mr. Black,

Leave of absence was granted Mr. Barnett after Friday next.

On motion by Mr. Gibson,

The vote refusing to engross Senate bill No. 119, was reconsidered; and,

On motion by Mr. Hendry,

The bill was referred to a select committee of three.

Messrs. Hendry, Gibson and Harris were appointed said committee.

The following message from the House of Representatives was taken up:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House have passed the following enrolled bill of the Senate:

Bill No. 106. A bill to amend an act entitled "an act regulating the fees of officers," approved June 16, 1852, with sundry engrossed amendments of the House thereto.

In which the concurrence of the Senate is respectfully requested.

The engrossed amendments of the House to the engrossed bill of the Senate No. 106, contained in the foregoing message were,

On motion by Mr. Black,  
Concurred in by the Senate.

Also, the following message from the House of Representatives was taken up:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate, that the House recedes from her disagreement to the 7th engrossed amendment of the Senate to engrossed bill of the House,

No. 83. An act to amend an act entitled "an act for the support of the Indiana Institute for the Education of the Blind," approved June 18, 1852; also amendatory to an act to provide for the government, and support of the Institution for the Education of the Deaf and Dumb," approved June 14, 1852.

Also, the following message from the House of Representatives was taken up:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House has passed the following engrossed bill of the Senate:

Bill No. 19. A bill for the better regulation of telegraph companies, and legalize their former acts;

Together with an engrossed amendment of the House thereto.

In which the concurrence of the Senate is respectfully requested.

The engrossed amendment of the House to the engrossed bill of the Senate No. 19, contained in the preceding message, was

On motion by Mr. Gibson,  
Concurred in by the Senate.

The following message was received from the House of Representatives by Mr. Bowes their clerk:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House have receded from its engrossed amendment to engrossed Senate bill No. 53, an act to authorize and regulate suits against the State.

Also, the following message was received from the House of Representatives :

MR. PRESIDENT :

I am directed by the House of Representatives to inform the Senate that the Speaker has signed Senate bills Nos. 18, 25 and 66, which I am directed to return to the Senate.

#### SENATE BILLS ON SECOND READING.

No. 134. A bill to provide for the manner in which railroad companies may consolidate stock.

Was read the second time.

Mr. Gibson offered the following amendment:

Insert in the 1st section after the word "corporation" in the 2d line, "in conformity with the act of this section;" when,

On motion by Mr. Anthony,

The bill and amendment was referred to the committee on corporations.

No. 135. An act to amend sections 1st, 4th and 33d of an act for the government of the Indiana Hospital for the Insane, and the care of the Insane of Indiana, approved January 15, 1852.

Was read a second time and ordered to be engrossed.

#### HOUSE BILLS ON SECOND READING.

No. 154. An act to amend the 14th section of an act entitled, "an act providing for the incorporation of bridge companies," approved March 9, 1852.

Was read the second time and ordered to a third reading.

No. 179. An act to regulate criminal prosecutions against the Trustees of the Wabash and Erie Canal.

Was read the second time by the title: and,

On motion by Mr. Humphreys,

Referred to the Judiciary committee.

#### SENATE BILLS ON THIRD READING.

No. 126. An act to provide for the erection of a House of refuge.

Was read the third time.

The question being on the passage of the bill,

*Those who voted in the affirmative were,*

Messrs. Anthony, Barnett, Black, Brown Butler, Edwards, Gibson, Greathouse, Griggs, Gordon, Hall, Harris, Hendry, Hosbrook, Jackson of Tipton, Morrison, Shields, Slater, Sullivan and Witherow—20.

*Those who voted in the negative were,*

Messrs. Adams, Brookshire, Cox, Cutshaw, Gant, Glazebrook, Hawthorn, Helm, Horton, Humphreys, Meeker, Powell, Robinson, Shallenberger, Shook, Simpson, Spann, Vandeventer, Williams, Wilson of Harrison and Wilson of Jay—21.

So the bill did not pass.

No. 132. An act to provide for the more speedy publication of the revised statutes.

Was read the third time.

By unanimous consent,

Mr. Gibson offered the following amendment :

After the word "specified," in the first section, insert "or not heretofore published and circulated by authority in the several counties of this State."

Which was adopted.

The question then being on the passage of the bill,

*Those who voted in the affirmative were.*

Messrs. Adams, Anthony, Barnett, Barton, Black, Brookshire, Brown, Butler, Cox, Cutshaw, Edwards, Gant, Gibson, Glazebrook, Greathouse, Gordon, Hall, Hawthorn, Helm, Hendry, Horton, Hosbrook, Jackson of Tipton, Meeker, Reynolds, Robinson, Shallenberger, Shields, Shook, Simpson, Slater, Spann, Sullivan, Vandeventer, Williams, Wilson of Harrison and Wilson of Jay—37.

*Those who voted in the negative were,*

Messrs. Griggs, Humphreys, and Witherow—3.

So the bill passed.

Ordered that the Secretary inform the House thereof.

No. 128. An act to repeal certain sections of an act therein named.

Was read a third time.

The question being on the passage of the bill,

*Those who voted in the affirmative were,*

Messrs. Adams, Anthony, Black, Brookshire, Brown, Cox, Cutshaw, Edwards, Gibson, Glazebrook, Griggs, Gordon, Hall, Helm, Hosbrook, Humphreys, Jackson of Tipton, Morrison, Powell, Reynolds, Robinson, Shallenberger, Shields, Shook, Slater, Spann, Sullivan, Williams, Wilson of Harrison and Wilson of Jay—30.

*Those who voted in the negative were,*

Messrs. Barnett, Butler, Gant, Greathouse, Harris, Hawthorn, Hendry, Horton, Meeker, Simpson, Vandeventer, and Witherow—12.

So the bill passed.

Ordered that the Secretary inform the House thereof.

Leave being granted,

The following reports were made:

By Mr. Gibson, from the Judiciary committee:

MR. PRESIDENT:

The committee on the judiciary to whom was referred Senate bill No. 133, have had the same under consideration and have directed me to report the same back with the following amendment to its title, and when so amended recommend its passage:

Strike out the title and insert:

An act authorizing the pendency of a suit in another State, to be plead in abatement in this State, in cases therein named, and providing what effect shall be given to certain judgments rendered in another State.

Which report was concurred in, the amendment adopted, the bill read the second time.

Mr. Gibson moved that the rules be suspended, the bill considered as engrossed and read a third time.

The question being on suspending the rules,

*Those who voted in the affirmative were,*

Messrs. Adams, Anthony, Barnett, Black, Brookshire, Butler, Cox, Cutshaw, Edwards, Gibson, Glazebrook, Griggs, Gordon, Hall, Hawthorn, Hendry, Horton, Hosbrook, Humphreys, Jackson of Tipton, Meeker, Morrison, Powell, Reynolds, Robinson, Shallenberger, Shields, Shook, Simpson, Slater, Spann, Vandeventer, Williams, Wilson of Harrison, Wilson of Jay, and Witherow—36.

No Senator voted in the negative.

So the rules were suspended.

The bill was read the third time.

The question being on the passage of the bill,

*Those who voted in the affirmative were,*

Messrs. Adams, Black, Brown, Butler, Cox, Cutshaw, Edwards, Gibson, Griggs, Gordon, Hall, Hawthorn, Helm, Hendry, Horton, Hosbrook, Humphreys, Jackson of Tipton, Meeker, Morrison, Powell, Reynolds, Robinson, Shallenberger, Shields, Shook, Simpson, Slater, Spann, Vandeventer, Williams, Wilson of Harrison, Wilson of Jay, and Witherow—34.

Messrs. Anthony, Brookshire, Gant and Glazebrook voted in the negative—4.

So the bill passed.

Ordered that the Secretary inform the House thereof.

By Mr. Witherow from the Judiciary committee:

MR. PRESIDENT:

The committee on the Judiciary to whom was referred Senate bill No. 136, a bill to regulate the crossings of railroads over public highways and private roads, have had the same under consideration—have amended the same, and when so amended recommend its passage:

Amend the 1st section by striking out "their notice may be given in a public newspaper at least three weeks before the day of trial by such supervisor or."

Which report was concurred in, the amendment adopted, the bill read the second time and ordered to be engrossed.

Mr. Shields moved that the bill be considered as engrossed, the rules suspended, and the bill read a third time now.

The question being on suspending the rules;

*Those who voted in the affirmative were,*

Messrs. Adams, Barnett, Black, Brookshire, Brown, Butler, Cox, Cutshaw, Edwards, Gant, Gibson, Glazebrook, Griggs, Gordon, Hall, Hawthorn, Helm, Hendry, Horton, Hosbrook, Humphreys, Jackson of Tipton, Meeker, Morrison, Powell, Reynolds, Robinson, Shallenberger, Shields, Shook, Simpson, Slater, Spann, Vandeventer, Williams, Wilson of Harrison, Wilson of Jay, and Witherow—39.

Mr. Anthony voted in the negative—1.

So the rules were suspended and the bill read the third time.  
The question being on the passage of the bill,

*Those who voted in the affirmative were,*

Messrs. Adams, Anthony, Barnett, Black, Brookshire, Brown, Butler, Cox, Cutshaw, Edwards, Gant, Glazebrook, Greathouse, Griggs, Gordon, Hall, Hawthorn, Helm, Hendry, Horton, Hosbrook, Humphreys, Jackson of Tipton, Meeker, Morrison, Powell, Reynolds, Robinson, Shallenberger, Shields, Shook, Simpson, Slater, Spann, Vandeventer, Williams, Wilson of Harrison, Wilson of Jay, and Witherow—39.

No Senator voted in the negative.

So the bill passed.

Ordered, that the Secretary inform the House thereof.

By Mr. Barton, chairman of the committee on Benevolent Institutions:

MR. PRESIDENT:

The committee on Benevolent Institutions to whom was referred House bill No. 55, entitled an act to amend an act entitled "an act for the government of the Indiana Hospital for the Insane," approved June 15, 1852, have had the same under consideration, and have directed me to report the same back with the following amendments thereto, and when these are adopted to recommend the passage of the bill, and they ask leave to be discharged from further consideration of the subject:

Ist. Amend by adding the following proviso at the end of the first section:

*Provided*, that three of said commissioners shall be elected at the present session of the General Assembly.

Add the following, viz:

Sec. —. As by the terms of this bill an election of three of said commissioners, by the present General Assembly, is provided for an emergency for the immediate taking effect of this act is hereby declared to exist, and the same shall be in force from and after its passage.

Which report was concurred in, the amendments adopted, the bill read the second time and ordered to a third reading.

By Mr. Griggs from the Judiciary committee:

MR. PRESIDENT:

The committee on the Judiciary to whom was referred House bill No. 179, entitled an act in regard to criminal prosecutions against

the trustees of the Wabash and Erie canal, have had the same under consideration and directed me to report the same back to the Senate, and recommend that the bill be indefinitely postponed.

Which report was concurred in by the Senate,

And the bill indefinitely postponed.

Mr. Barton introduced,

No. 137. A bill prescribing the manner of reporting to the General Assembly by the Superintendent of the Hospital for the Insane; the Institute for the Education of the Blind; and the Asylum for the Deaf and Dumb.

Which was read the first time and passed to a second reading.

Mr. Gibson submitted the following preamble and resolution:

WHEREAS, Investigation has shown that several millions in amount of the bonds of the State, that have been redeemed, cannot be found, and that a discrepancy to a large amount, exists between the accounts of a former Agent of State, and the books of the Auditor of State; AND WHEREAS, it appears from the official reports of the proper officers, that a much greater amount of the domestic debt of the State has been paid them than the State was justly liable to pay:

*Therefore be it resolved*, The House concurring, that a joint select committee to consist of two from the Senate and three from the House, be appointed to investigate the books, accounts and papers of the officers of the Treasurer of State, Auditor of State and Agent of State, in relation to such facts, and all other facts affecting the interests of the State, and that they report thereon to the Governor at as early a day as practicable. That said committee have leave to sit after adjournment, and have power to send for persons and papers, and compel their attendance. That the *per diem* of such committee, the pay of witnesses and other expenses necessarily incurred, by order of said committee, be audited on the certificate of the chairman thereof, and paid out of the State Treasury. That one thousand copies of the report of said committee be published as soon as made and distributed by the Governor.

Which was adopted.

On motion by Mr. Gibson,

Senate bill No. 102, a bill fixing the time of holding the courts of common pleas, and the length of the terms thereof, in the several counties of this State, was taken from the table and read the third time.

The question being on the passage of the bill,

*Those who voted in the affirmative were,*

Messrs. Adams, Anthony, Black, Brookshire, Brown, Butler, Cox, Cutshaw, Edwards, Gant, Gibson, Glazebrook, Greathouse, Griggs,

Gordon, Hall, Hawthorn, Helm, Hendry, Horton, Hosbrook, Humphreys, Jackson of Tipton, Meeker, Morrison, Powell, Reynolds, Robinson, Shallenberger, Shields, Shook, Simpson, Slater, Spann, Sullivan, Vandeventer, Williams, Wilson of Harrison, Wilson of Jay and Witherow—40.

Mr. Barnett voted in the negative—1.

So the bill passed.

Ordered that the Secretary inform the House thereof.

On motion by Mr. Witherow,

House bill No. 97, a bill amendatory of the 2nd section of an act for the incorporation of cities, approved June 18, 1852, and for a more economical method of ascertaining the population of said cities preparatory to the adoption of the provisions of the act herein mentioned,

Was taken from the table.

The question being on the passage of the bill,

*Those who voted in the affirmative were,*

Messrs. Adams, Anthony, Barnett, Barton, Black, Brookshire, Brown Butler, Cox, Cutshaw, Edwards, Glazebrook, Greathouse, Griggs, Hall, Harris, Hawthorn, Helm, Hendry, Horton, Hosbrook, Jackson of Tipton, Meeker, Morrison, Powell, Reynolds, Robinson, Shallenberger, Shields, Shook, Simpson, Slater Spann, Sullivan, Vandeventer, Williams, Wilson of Harrison, Wilson of Jay, and Witherow—39.

Mr. Gant voted in the negative.

So the bill passed.

Ordered that the Secretary inform the House thereof.

#### HOUSE BILLS ON THIRD READING.

No. 142. A bill to regulate the retailing of spirituous liquors, and for the suppression of evils arising therefrom,

Was taken up.

The question being on the passage of the bill,

• Mr. Wilson of Harrison moved to lay the bill on the table and print 200 copies,

Upon which,

The ayes and noes were demanded by Messrs. Wilson of Harrison and Shields.

*Those who voted in the affirmative were,*

Messrs. Barton, Black, Brookshire, Brown, Gant, Glazebrook,  
66 S

Greathouse, Griggs, Gordon, Humphreys, Morrison, Slater, Spann, Sullivan, and Wilson of Harrison—15.

*Those who voted in the negative were,*

Messrs. Adams, Anthony, Barnett, Cox, Cutshaw, Edwards, Hall, Harris, Hawthorn, Helm, Hendry, Horton, Hosbrook, Jackson of Tipton, Meeker, Powell, Robinson, Shallenberger, Shields, Shook, Simpson, Vandeventer, Williams, Wilson of Jay, and Witherow—26.

So the bill was not laid on the table.

Mr. Brown moved to recommit with instructions to so amend the 4th section that the same penalties shall attach to persons selling spirituous liquors in a greater amount than a gallon if the same be sold to minors or intoxicated persons.

Upon which the ayes and noes were demanded by Senators Brown and Harris.

*Those who voted in the affirmative were,*

Messrs. Barton, Black, Brookshire, Brown, Cutshaw, Gant, Gibson, Glazebrook, Greathouse, Griggs, Gordon, Morrison, Shook, Slater, Spann, Sullivan, and Wilson of Harrison—16.

*Those who voted in the negative were,*

Messrs. Adams, Anthony, Barnett, Butler, Cox, Edwards, Hall, Harris, Hawthorn, Helm, Hendry, Horton, Hosbrook, Jackson of Tipton, Meeker, Powell, Robinson, Shields, Shallenberger, Simpson, Vandeventer, Williams, Wilson of Jay and Witherow—24.

So the bill was not recommitted.

Mr. Wilson of Harrison moved to recommit to a committee of one from each congressional district with instructions to report a bill in conformity to the prayer of the petitioners.

Which was decided in the negative.

Mr. Wilson of Harrison moved to indefinitely postpone the bill,

The ayes and noes were demanded by Senators Wilson of Harrison and Humphreys.

*Those who voted in the affirmative were,*

Messrs. Barton, Brookshire, Brown, Glazebrook, Greathouse, Humphreys, Slater, Spann, Sullivan, and Wilson of Harrison—9.

*Those who voted in the negative were,*

Messrs. Adams, Anthony, Barnett, Butler, Cox, Cutshaw, Edwards, Gant, Gibson, Griggs, Gordon, Hall, Harris, Hawthorn, Helm, Hendry, Horton, Hosbrook, Jackson of Tipton, Meeker, Morrison, Powell, Robinson, Shallenberger, Shields, Shook, Simpson, Vandeventer, Williams, Wilson of Jay, and Witherow—31.

So the bill was not indefinitely postponed.

Mr. Brown moved to recommit to the committee on Finance with instructions to so amend the 8th section, so as to require all persons retailing intoxicating liquors to pay into the county treasury for such license a sum of money not less than five, nor more than one hundred dollars, the amount to be determined by the auditor at the time of granting such license.

Upon which,

The ayes and noes were demanded by Senators Brown and Edwards.

*Those who voted in the affirmative were,*

Messrs. Barton, Black, Brookshire, Brown, Cutshaw, Gant, Glazebrook, Greathouse, Gordon, Humphreys, Morrison, Slater, Spann, Sullivan, and Wilson of Harrison—14.

*Those who voted in the negative were,*

Messrs. Adams, Anthony, Barnett, Butler, Cox, Edwards, Griggs, Hall, Harris, Hawthorn, Helm, Hendry, Hosbrook, Jackson of Tipton, Meeker, Powell, Robinson, Shallenberger, Shields, Shook, Simpson, Williams, Wilson of Jay and Witherow—24.

So the bill was not recommitted.

Mr. Reynolds moved to recommit the bill with the following instructions:

Strike out of Section 17, and 4th line the words "or suffered or allowed to be drunk."

Upon which,

The ayes and noes being demanded by Senators Reynolds and Slater,

*Those who voted in the affirmative were,*

Messrs. Adams, Barton, Black, Brookshire, Brown, Combs, Cutshaw, Gant, Glazebrook, Greathouse, Griggs, Humphreys, Reynolds, Slater, Spann, and Wilson of Harrison—16.

*Those who voted in the negative were,*

Messrs. Anthony, Barnett, Butler, Cox, Edwards, Hall, Harris, Hawthorn, Helm, Hendry, Horton, Hosbrook, Jackson of Tipton, Meeker, Morrison, Powell, Robinson, Shallenberger, Shields, Shook, Simpson, Vandeventer, Williams, Wilson of Jay and Witherow—26.

So the bill was not recommitted.

Mr. Reynolds moved to recommit the bill to a select committee with the following instructions;

Strike out sections "10, 11, 12 and 13."

When Mr. Wilson of Harrison, moved that the Senate adjourn. Which was decided in the negative.

The question recurring on recommitting the bill.

The ayes and noes were demanded by Senators Reynolds and Wilson of Harrison.

Pending which,

On motion by Mr. Adams,

The Senate adjourned.

Mr. Greathouse entitled to the floor.

2 o'clock, P. M.

The Senate assembled,

And resumed the consideration of House bill No. 142, pending at the adjournment.

On motion by Mr. Edwards,

A call of the Senate was ordered.

The Secretary proceeded with the call, when the following Senators answered to their names:

Messrs. Adams, Anthony, Barnett, Barton, Black, Brookshire, Brown, Butler, Combs, Cox, Cutshaw, Edwards, Gant, Gibson, Glazebrook, Greathouse, Griggs, Gordon, Hall, Hawthorn, Helm, Hendry, Horton, Hosbrook, Humphreys, Jackson of Madison, Jackson of Tipton, Kightley, Meeker, Morrison, Odell, Powell, Reynolds, Roberts, Robinson, Shallenberger, Shields, Shook, Simpson, Slater, Spann, Sullivan, Williams, Wilson of Harrison, Wilson of Jay and Witherow—45.

On motion by Mr. Black,

The further call of the Senate was suspended.

The question being, on recommitting the bill with the instructions of Mr. Reynolds;

*Those who voted in the affirmative were,*

Messrs. Barton, Black, Brookshire, Cutshaw, Glazebrook, Greathouse, Gordon, Humphreys, Reynolds, Roberts, Slater, Spann, and Wilson of Harrison—14.

*Those who voted in the negative were,*

Messrs. Adams, Anthony, Barnett, Butler, Combs, Cox, Edwards, Gant, Griggs, Hall, Hawthorn, Helm, Hendry, Horton, Hosbrook, Jackson of Madison, Jackson of Tipton, Kightley, Meeker, Odell, Powell, Robinson, Shallenberger, Shields, Shook, Simpson, Williams, Wilson of Jay and Witherow—29.

So the bill was not recommitted.

The question being on the passage of the bill,

*Those who voted in the affirmative were,*

Messrs. Adams, Anthony, Barnett, Butler, Combs, Cox, Cutshaw, Edwards, Griggs, Hall, Hawthorn, Helm, Hendry, Horton, Hosbrook, Jackson of Madison, Jackson of Tipton, Kightley, Meeker, Odell, Powell, Robinson, Shallenberger, Shields, Shook, Simpson, Vandeventer, Williams, Wilson of Jay and Witherow—30.

*Those who voted in the negative were,*

Messrs. Barton, Black, Brookshire, Brown, Gant, Glazebrook, Greathouse, Gordon, Humphreys, Morrison, Reynolds, Slater, Spann, Sullivan, and Wilson of Harrison—15.

Mr. Roberts was excused from voting.

So the bill passed.

Mr. Wilson of Harrison moved to amend the title by adding "and to prevent one neighbor from giving another a dram."

Which was not agreed to.

Ordered that the Secretary inform the House thereof.

The President laid before the Senate the following communication from the Superintendent of the Hospital for the Insane:

INDIANA HOSPITAL FOR THE INSANE, }  
February 27, 1853.

HON. A. P. WILLARD,

*President of the Senate :*

SIR:—I am this day in receipt of a resolution from the Senate, calling for information in regard to the “number of meetings held by the commissioners, at the Indiana Hospital for the Insane, during the last fiscal year, and what commissioners have failed to attend.”

### REPORT.

There have been held at the Hospital during the last fiscal year, twelve regular and four special meetings of the Board of Commissioners. Total number of meetings, sixteen. The attendance of commissioners has been as follows:

James Ritchey.....	15 meetings.
Stephen Major.....	14 “
James Blake.....	13 “
Edwin J. Peck.....	11 “
Henry Brady.....	10 “
Samuel Grimes.....	8 “

The above attendance does not include meetings of the building committee, or visits at the hospital by the monthly visiting and auditing committees.

The monthly visiting committees are composed each, of two members of the board, who visit in rotation and examine every ward of the hospital during every month in the year.

The building committee, composed of Messrs. Blake, Peck and Major, has met several times during the year for the transaction of business.

S. Major, Esq., as a member of this committee, has bestowed considerable time and labor in writing contracts and legal papers.

The auditing committee has met frequently, to examine the books and vouchers, and audit the accounts of the Steward of the hospital.

Respectfully submitted,

RICHARD J. PATTERSON,  
*Superintendent.*

Which report was,

On motion by Mr. Sullivan,

Referred to the committee on Benevolent Institutions.

Leave being granted,

Mr. Hendry made the following report from the Judiciary committee :

## MR. PRESIDENT:

The committee on the Judiciary to whom was referred bill No. 104, entitled "an act to amend the 4th section of an act prescribing the duties and fixing the compensation of State Agent," approved June 17, 1852, have had the same under consideration, and have directed me to report the bill back to the Senate, recommend its passage, and ask to be discharged from the further consideration thereof.

The question being on the engrossment of the bill;

The ayes and noes were demanded by Messrs. Gibson and Sullivan.

*Those who voted in the affirmative were,*

Messrs. Barnett, Butler, Edwards, Gant, Glazebrook, Griggs, Helm, Hendry, Horton, Meeker, Odell, Robinson, Shook, Simpson, Vandeventer, Wilson of Harrison, and Witherow—17.

*Those who voted in the negative were,*

Messrs. Adams, Anthony, Barton, Black, Brookshire, Brown, Combs, Cox, Cutshaw, Gibson, Greathouse, Gordon, Hall, Hawthorn, Hosbrook, Humphreys, Jackson of Madison, Jackson of Tipton, Kightley, Morrison, Powell, Reynolds, Roberts, Slater, Spann, Sullivan, Williams, and Wilson of Jay—28.

So the bill was not ordered to be engrossed.

No. 126. A bill authorizing corporations formed in pursuance of an act entitled "an act to provide for the incorporation of railroad companies," approved May 11, 1852, to file in the office of the Secretary of State a certified copy of their articles of association, in lieu of their original articles of association, and legalizing the action of such corporation in that respect, where such copy has been heretofore so filed in lieu of the original articles, and prescribing the effect of such copy;

Was read the third time; and,

On motion by Mr. Morrison,

Laid on the table.

On motion by Mr. Wilson of Harrison,

House bill No. 160 was taken up.

On motion by Mr. Edwards,

The vote ordering the bill to a third reading was reconsidered;

When,

Mr. Wilson of Harrison offered the following amendment:

Add in the proper place:

SEC. 3. *Provided, however,* that justices of the peace shall have all the powers, perform all the duties, and be governed in all respects by this and many other acts regulating the duties and compensation of coroners in regard to holding inquests.

SEC. 4. Whereas, an emergency exists for the passage of this act, it is hereby declared that this act shall take effect and be in force from and after its passage and publication in the Indiana State Journal and State Sentinel.

Which was adopted, and the bill ordered to a third reading.

No. 109. An act to amend an act entitled "an act to incorporate the Cannelton steam mill and manufacturing company," approved February 16, 1848, changed to the name of the Troy manufacturing company, approved January 15, 1849, to enable said company to increase its capital stock to two hundred thousand dollars, and to hold real estate to the amount of fifty thousand dollars, and to manufacture cotton;

Was read the third time.

The question being on the passage of the bill,

*Those who voted in the affirmative were,*

Messrs. Adams, Anthony, Barnett, Brookshire, Combs, Cox, Edwards, Gant, Gibson, Glazebrook, Greathouse, Hall, Hawthorn, Hendry, Humphreys, Jackson of Madison, Jackson of Tipton, Kightley, Meeker, Odell, Powell, Reynolds, Robinson, Shallenberger, Simpson, Slater, Spann, Sullivan, Williams, Wilson of Harrison, and Wilson of Jay—32.

*Those who voted in the negative were,*

Messrs. Butler, Cutshaw, Griggs, Horton, Morrison, Shook, and Witherow—7.

So the bill passed.

Ordered that the Secretary inform the House thereof.

On motion by Mr. Anthony,  
House bill No. 126 was taken from the table.

The question being upon the passage of the bill,

*Those who voted in the affirmative were,*

Messrs. Adams, Anthony, Barnett, Barton, Brookshire, Brown, Butler, Combs, Cox, Edwards, Gant, Glazebrook, Greathouse, Griggs, Hall, Hawthorn, Hendry, Horton, Hosbrook, Humphreys, Jackson of Madison, Jackson of Tipton, Kightley, Meeker, Morrison, Odell, Powell

Reynolds, Robinson, Shallenberger, Simpson, Spann, Sullivan, Vandeventer, Williams, Wilson of Harrison, Wilson of Jay, and Witherow—38.

Messrs. Cutshaw, Shields, Shook and Slater, voted in the negative—4.

So the bill passed.

Ordered that the Secretary inform the House thereof.

No. 99. A bill supplemental to an act entitled "an act for the relief of certain persons therein named," approved February 16, 1848,

Was read a third time.

The question being on the passage of the bill,

*Those who voted in the affirmative were,*

Messrs. Anthony, Barnett, Barton, Brown, Combs, Edwards, Gibson, Glazebrook, Griggs, Hall, Hawthorn, Hosbrook, Humphreys, Jackson of Madison, Jackson of Tipton, Kightley, Meeker, Morrison, Odell, Powell, Robinson, Shallenberger, Shields, Shook, Simpson, Slater, Spann, Sullivan, Vandeventer, Williams, Wilson of Harrison, Wilson of Jay and Witherow—33.

Messrs. Butler, Cox, Cutshaw and Horton voted in the negative—4.

Mr. Gant was excused from voting.

So the bill passed.

Ordered, that the Secretary inform the House thereof.

On motion,

The order of business was suspended; when

Mr. Gant submitted the following resolution:

*Resolved*, That the House be respectfully requested to return the resolution of the Senate, providing for the appointment of a committee to investigate bonds of the State of Indiana, supposed to have been lost, etc.

Mr. Gibson moved to lay the resolution on the table,

Upon which,

The ayes and noes were demanded by Messrs. Hawthorn and Reynolds.

*Those who voted in the affirmative were,*

Messrs. Combs, Cox, Cutshaw, Gibson, Jackson of Madison, Simpson and Vandeventer—7.

*Those who voted in the negative were,*

Messrs. Adams, Anthony, Barnett, Barton, Brookshire, Brown,

Butler, Edwards, Gant, Glazebrook, Griggs, Hall, Hawthorn, Helm, Hendry, Horton, Hosbrook, Jackson of Tipton, Kightley, Meeker, Odell, Powell, Roberts, Robinson, Shallenberger, Shields, Shook, Slater, Spann, Sullivan, Williams, Wilson of Harrison, Wilson of Jay and Witherow—34.

So the resolution was not laid on the table.

The question then being on the adoption of the resolution,

The ayes and noes were demanded by Messrs. Gibson and Gant.

*Those who voted in the affirmative were,*

Messrs. Adams, Anthony, Barnett, Brookshire, Brown, Butler, Edwards, Gant, Glazebrook, Griggs, Hall, Hawthorn, Helm, Hendry, Horton, Hosbrook, Jackson of Madison, Jackson of Tipton, Kightley, Meeker, Powell, Robinson, Shallenberger, Shields, Shook, Slater, Spann, Sullivan, Vandeventer, Williams, Wilson of Harrison and Wilson of Jay—33.

*Those who voted in the negative were,*

Messrs. Barton, Combs, Cox, Cutshaw, Gibson, Greathouse, Odell, Simpson and Witherow—9.

So the resolution was adopted.

Leave being granted,

Mr. Brown introduced the following resolution:

*Resolved*, That the Agent of State be requested to furnish to this Senate, at as early a day as possible, all the information he may be in possession of in reference to the alleged loss of State bonds.

Which was adopted.

No. 150. An act to amend an act entitled "an act authorizing recorders to make out complete or general indexes to records of deeds, mortgages, and to procure and use seals," approved February 16, 1852,

Was read the third time; and,

On motion by Mr. Wilson,

Laid on the table.

No. 178. A bill to amend "an act providing for the settlement of decedents' estates, prescribing the rights, liabilities and duties of officers connected with the management thereof, and the heirs thereto, and certain forms to be used in such settlement," approved June, 1852,

Was read the third time.

The question being on the passage of the bill.

*Those who voted in the affirmative were,*

Messrs. Adams, Anthony, Brookshire, Brown, Butler, Combs, Cox, Cutshaw, Edwards, Gant, Gibson, Glazebrook, Greathouse, Hall, Hawthorn, Helm, Hendry, Horton, Hosbrook, Humphreys, Jackson of Madison, Jackson of Tipton, Meeker, Morrison, Odell, Powell, Reynolds, Robinson, Shallenberger, Shook, Simpson, Slater, Spann, Sullivan, Vandeventer, Williams, Wilson of Harrison, Wilson of Jay, and Witherow—39.

Messrs. Barnett, Griggs, and Kightley, voted in the negative.

So the bill passed.

Ordered that the Secretary inform the House thereof.

Mr. Brown moved that leave of absence be granted to Mr. Anthony from and after Friday next.

Which was not agreed to.

Leave being granted, Mr. Griggs introduced the following bill:

No. 138. A bill to amend an act entitled "an act to provide for the election and certain duties of prosecuting and district attorneys," approved June 11, 1852;

Which was read the first time and passed to its second reading.

On leave, Mr. Odell presented the petition Gordon A. Moss and others, asking a special charter for a railroad from Lafayette to Chicago;

Which was,

On motion,

Referred to the Judiciary committee.

The following message was received from the House of Representatives, by Mr. Bowes, their Clerk.

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House has concurred in the engrossed amendments of the Senate to engrossed bill of the House No. 89, an act to prohibit the city of Rising Sun from subscribing stock in any company to construct roads leading to or from said city, except on conditions contained in this act.

The following message from the House of Representatives was taken up:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House has passed the following engrossed bills thereof:

No. 195. A bill to repeal an act entitled "an act to regulate the sale of spirituous liquors in the county of Tippecanoe," approved February 13, 1851;

No. 81. An act to provide for exempting from taxation the property of widows and children in certain cases;

No. 175. An act to provide for the postponement of the Marion circuit court during a part of the session of the supreme court;

No. 166. A bill to regulate the taking of appeals from the court of common pleas;

No. 202. An act to amend section one of an act entitled "an act for the incorporation of manufacturing and mining companies, and companies for mechanical, chemical and building purposes," approved May 20, 1852;

No. 164. A bill to repeal an act entitled "an act to amend the charter of the Evansville and Illinois railroad company," approved February 8, 1851;

No. 181. An act to consolidate the laws in relation to highways, as also the election and duties of supervisors of the same in pamphlet form;

No. 171. An act supplemental to an act entitled "an act concerning real property and the alienation thereof," approved May 6, 1852, and providing for the sale and conveyance of the interest of an insane wife in the lands of her husband;

No. 205. An act to amend the 18th, 24th, 25th and 26th sections of an act entitled "an act regulating descents and the apportionment of estates," approved May 14, 1852;

No. 182. An act requiring drawbridge companies to keep lights at night;

In which the concurrence of the Senate is respectfully requested.

Bills Nos. 195, 81, 175, 166, 202, 164, 181, 171, 205, and 182, contained in the message, were severally read the first time and ordered to a second reading.

Also the following message from the House of Representatives was taken up:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate, that the House has passed the following engrossed bill thereof:

No. 180. A bill amendatory of and supplemental to an act entitled "an act to provide for a general and uniform system of common schools and school libraries, and matters properly connected therewith," approved June 14, 1852;

In which the concurrence of the Senate is respectfully requested.  
 Bill No. 180, contained in the message, was read the first time  
 and ordered to a second reading.

On motion by Mr. Slater,  
 The Senate adjourned.

TUESDAY MORNING, 9 o'clock, }  
 March 1st, 1853. }

The Senate assembled.

On motion by Mr. Meeker,  
 The reading of the journal was dispensed with.

#### REPORTS FROM COMMITTEES.

By Mr. Gibson from the Judiciary committee:

MR. PRESIDENT:

The committee on the Judiciary to whom were referred House bill No. 155, entitled a bill in relation to contracts made by agents or attorneys in fact, under power of attorney, when the name of principal has not been employed as the party to be charged, and prescribing the effect of such contract, have had the same under consideration, and have directed me to report the bill back to the Senate, recommend that it be indefinitely postponed, and ask to be discharged from further consideration thereof.

Which was concurred in by the Senate and the bill indefinitely postponed.

By Mr. Hendry from a select committee:

MR. PRESIDENT:

The select committee to whom was referred Senate bill No. 119, a bill to prohibit the clerks and their deputies of the supreme court, circuit courts and of the courts of common pleas within this State

from practicing law, have had the same under consideration, and have directed me to report the same back with the following amendments, and when so amended to recommend its passage:

Amend the title of the bill to read as follows:

An act to prohibit attorneys from officiating as clerks of certain courts of record.

Also strike out the bill from the enacting clause and insert the following:

That any person admitted to practice law as an attorney in any court of record in this State, shall not officiate as clerk of the court to which he has been admitted, during the time he may continue to practice as such attorney in said court.

SEC. 2. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined in any sum not less than five nor more than fifty dollars, and shall forfeit his office.

Which report was concurred in, the amendments adopted, and the bill ordered to be engrossed.

Mr. Griggs submitted the following preamble and resolution:

As the session of the present General Assembly is near its close, and much business of importance yet remains to be done, therefore be it

*Resolved*, That no Senator shall during the remainder of the session, speak on any subject before the Senate, at any one time longer than 15 minutes.

Which was adopted.

On motion by Mr. Gibson,

The vote on concurring in the report of the Judiciary committee on House bill 179, was reconsidered.

On motion by Mr. Gibson,

The report was laid on the table.

On motion by Mr. Humphreys,

The bill was referred to a select committee of five.

Senators Humphreys, Barton, Sullivan, Gant and Slater were appointed said committee.

#### ORDERS OF THE DAY.

#### *Senate bills on second reading.*

No. 137. A bill prescribing the manner of reporting to the General Assembly by the Superintendents of the Hospital for the Insane, the Institute for the Education of the Blind, and the Asylum for the Deaf and Dumb.

Was read the second time and ordered to be engrossed.

No. 138. A bill to amend an act therein named.

Was read the second time by the title; and,

On motion by Mr. Gibson,  
Referred to the Judiciary committee.

The following message was received from the House of Representatives by Mr. Bowes their clerk:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the Speaker has signed the following enrolled bills of the House:

No. 29. An act to amend section 119 of an act entitled an act to revise, simplify and abridge the rules, practice, pleadings and forms in criminal actions in the courts of this State, approved June 19, 1852.

No. 48. An act to amend an act entitled "an act to provide for the erection and repair of bridges," approved May 22, 1852.

No. 83. An act to amend an act entitled "an act for the support and management of the Indiana Institute for the education of the Blind, approved June 18, 1852; also, amendatory to an act entitled an act to provide for the government and support of the Institution for the education of the Deaf and Dumb," approved June 14, 1852.

No. 90. An act to amend the 19th section of an act entitled "an act for the more uniform mode of doing township business," approved May 6, 1852.

No. 107. An act to amend section 3 of an act entitled "an act for the regulation of weights and measures," approved June 9, 1852.

No. 112. An act to amend the fifth section of an act entitled "an act for the more uniform mode of doing township business," approved May 6, 1852.

No. 114. An act for the relief of Henry Pittenger of Delaware county, and prescribing the duties of the auditor of said county in relation thereto.

No. 115. An act to authorize any person desiring to erect a flouring mill or other machinery to be propelled by water on his own land, to make a race-way below such mill or machinery through land belonging to other persons, and to regulate the assessment and payment of damages therefor, being an act supplemental to article 41, chapter 1, of part second of the Revised Statutes of 1852.

No. 124. An act to provide for the selection and impanneling of petit jurors in the court of common pleas, and providing compensation therefor, being supplemental to an act entitled "an act prescribing the manner of impannelling petit jurors, the number and compensation thereof," approved May 20, 1852.

No. 131. An act to legalize irregularities heretofore occurring in the filing of articles of association of plank road companies.

No. 140. An act to correct and define more correctly the boundary line between the counties of Warrick and Spencer.

No. 144. An act for the relief of the inhabitants of township twelve, north of range nine in Vigo county, Indiana, and providing a receiver for certain school moneys belonging to the common school fund of said township.

No. 149. An act authorizing the township trustees in the several townships in this State to administer oaths.

No. 204. An act to provide for the distribution of the township law.

No. 89. An act authorizing cities to subscribe stock in railroad, plank road, or turnpike companies.

No. 97. An act amendatory of the 2d section of an act for the incorporation of cities, approved June 18, 1852, and for a more economical method of ascertaining the population of such cities, preparatory to the adoption of the provisions of the act herein mentioned of June 18, 1852,

Which I am directed to bring to the Senate for the signature of the President thereof.

Whereupon the President affixed his signature thereto.

#### HOUSE BILLS ON SECOND READING.

No. 81. A bill to provide for exempting from taxation the property of widows and children in certain cases,

Was read a second time by the title; and,

On motion by Mr. Gibson,

Referred to the committee on the Judiciary with instructions to inquire into the constitutionality of the bill.

No. 164. A bill to repeal an act entitled an act to amend the charter of the Evansville and Illinois Railroad Company, approved February 8, 1851,

Was read a second time and ordered to a third reading.

No. 166. A bill to regulate the taking of appeals from the court of common pleas,

Was read the second time and passed to a third reading.

No. 171. An act supplemental to an act entitled an act concerning real property, and the alienation thereof, approved May 6, 1852, and providing for the sale and conveyance of the interest of an insane wife in the lands of her husband,

Was read a second time and ordered to a third reading.

No. 175. An act to provide for the postponement of the Marion circuit court during a part of the session of the supreme court,

Was read the second time and ordered to a third reading.

No. 180. A bill amendatory and supplemental to an act entitled an act to provide for a general and uniform system of common schools and school libraries, and matters properly connected therewith, approved June 14, 1852,

Was read the second time.

Mr. Wilson of Harrison moved to amend the 7th section by striking out "\$1 00," and insert "50 cts."

Mr. Gibson moved to refer the bill and pending amendments to the committee on Education,

Mr. Black moved to lay the amendment on the table.

Which was not agreed to.

The question then recurring on referring the bill and pending amendments to the committee on Education.

It was agreed to.

No. 181. An act to consolidate the laws in relation to highways as also election and duties of supervisors of the same in pamphlet form.

Was read a second time and ordered to a third reading.

No. 182. An act requiring draw bridge companies to keep lights at night.

Was read a second time and ordered to a third reading.

No. 195. A bill to repeal an act entitled an act to regulate the sale of spirituous liquors in the county of Tippecanoe, approved February 13, 1851.

Was read the second time; and,

On motion by Mr. Gibson,

Laid on the table.

No. 202. An act to amend section one of an act entitled an act for the incorporation of manufacturing and mining companies, and corporations for mechanical, chemical and building purposes, approved May 20, 1852.

Was read a second time and ordered to a third reading.

No. 205. A bill to amend the 18, 24, 25 and 26 sections of an act regulating descents and the apportionment of estates.

Was read the second time by the title; and,

On motion by Mr. Gibson,

Referred to the Judiciary committee.

The following message was received from the House of Representatives by Mr. Bowes their clerk:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House have passed the following engrossed bill of the Senate:

Bill No. 53. A bill authorizing judges of the circuit court and court of common pleas, to appoint commissioners, and defining the duties and fixing the compensation of such master commissioners.

Also, bill No. 72. A bill requiring county commissioners to perform certain duties in relation to the refunding of taxes wrongfully assessed and collected.

Without amendment.

The following message from the House of Representatives was taken up:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House have passed the following engrossed bill of the Senate:

Bill No. 61. An act to change the time of holding circuit courts in the second judicial circuit.

With an amendment thereto.

In which the concurrence of the Senate is respectfully requested.

On motion by Mr. Gibson,

The engrossed amendments of the House to the engrossed bill of the Senate No. 61, contained in the foregoing message were concurred in by the Senate.

Also the following message from the House of Representatives was taken up:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House have passed the following engrossed bill of the Senate:

Bill No. 89. A bill to amend an act entitled an act for the incorporation of cities, approved June 18, 1852.

With an amendment thereto.

In which the concurrence of the Senate is respectfully requested.

On motion by Mr. Sullivan,

The engrossed amendment of the House to Senate bill No. 89, contained in the foregoing message was concurred in by the Senate.

Also the following message from the House of Representatives was taken up:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Sen-

ate that the House has passed the following engrossed bill of the Senate.

Bill No. 73. A bill to amend the 17th section of an act entitled an act prescribing who may make a will and the effect thereof, what may be devised, regulating the revocation, admission to probate and contest thereof.

With sundry amendments thereto.

In which the concurrence of the Senate is respectfully requested.

The engrossed amendments of the House to Senate bill No. 73, contained in the preceding message were;

On motion by Mr. Gibson,

Concurred in by the Senate.

Also, the following message from the House of Representatives was taken up:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House have passed the following engrossed bill of the Senate:

Bill No. 67. A bill to authorize justices of the peace to issue subpoenas for witnesses to adjoining counties and fixing their fees;

With an amendment thereto.

In which the concurrence of the Senate is respectfully requested.

On motion by Mr. Reynolds,

The engrossed amendment of the House to Senate bill No. 67, contained in the foregoing message, was concurred in by the Senate.

Also, the following message from the House of Representatives was taken up:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House have passed the following engrossed bills thereof, to-wit:

Bill No. 169. An act supplemental to an act entitled "an act to regulate the sale of swamp lands, &c.

Bill No. 170. A bill to provide for the conveyance of donation lands adjoining the town of Indianapolis in cases where the holder of the certificate of purchase therefor is deceased.

Bill No. 174. An act to provide that the stocks of companies, corporations and bodies politic, organized under the laws of this State, whose principal office or president is within the same shall not be listed by persons holding the same for taxation against them in their individual capacity.

Also, bill No. 191. An act supplemental to an act entitled "an act for the incorporation of towns, defining their powers, providing for the election of the officers and declaring their duties," approved June 11, 1852.

Bill No. 200. An act supplemental to an act entitled "an act for the more uniform mode of doing township business."

In which the concurrence of the Senate is respectfully requested.

Bills Nos. 169, 170, 174, 191 and 200 contained in the foregoing message, were each read the first time, and ordered to a second reading.

Mr. Cox made the following report from the committee on Enrolled Bills:

MR. PRESIDENT:

The committee on Enrolled Bills have compared the enrolled with the engrossed copy of bill No. 53, a bill authorizing and regulating suits against the State; also, bill No. 19, a bill for the better regulation of telegraph companies and legalizing their former acts, and find the same correctly enrolled.

Senate bill No. 135, a bill to amend sections 1st, 4th and 33d of an act entitled "an act for the government of the Indiana Hospital for the Insane and the care of the insane of Indiana," approved January 15, 1852.

Was read the third time.

The question being on the passage of the bill,

*Those who voted in the affirmative were,*

Messrs. Adams, Anthony, Barnett, Barton, Black, Brookshire, Brown, Butler, Combs, Cox, Cutshaw, Edsall, Edwards, Gant, Gibson, Glazebrook, Greathouse, Griggs, Gordon, Hall, Hawthorn, Helm, Hendry, Horton, Hosbrook, Humphreys, Jackson of Madison, Jackson of Tipton, Kightley, Meeker, Odell, Powell, Reynolds, Robinson, Shallenberger, Shields, Shook, Simpson, Spann, Vandeventer, Williams, Wilson of Harrison, Wilson of Jay, and Witherow—44.

No Senator voted in the negative.

So the bill passed.

Ordered that the Secretary inform the House thereof.

## HOUSE BILLS ON THIRD READING.

No. 55. A bill to amend an act for the government of the Indiana Hospital for the Insane, approved June 15, 1852.

Was read a third time.

The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Anthony, Barnett, Barton, Black, Brown, Butler, Combs, Cox, Cutshaw, Edsall, Edwards, Gant, Gibson, Glazebrook, Greathouse, Griggs, Gordon, Hall, Hawthorn, Helm, Hendry, Horton, Hosbrook, Humphreys, Jackson of Madison, Jackson of Tipton, Kightley, Meeker, Odell, Powell, Reynolds, Robinson, Shallenberger, Shook, Simpson, Slater, Spann, Sullivan, Vandeventer, Williams, Wilson of Harrison, Wilson of Jay and Witherow—43.

No Senator voted in the negative.

So the bill passed.

Ordered that the Secretary inform the House thereof.

No. 154. A bill to amend the 4th section of an act entitled, "an act providing for the incorporation of bridge companies," approved March 9, 1852.

Was read a third time.

The question being, on the passage of the bill;

*Those who voted in the affirmative were,*

Messrs. Adams, Anthony, Barnett, Barton, Black, Brookshire, Butler, Combs, Cox, Cutshaw, Edsall, Edwards, Gibson, Glazebrook, Greathouse, Griggs, Hall, Hawthorn, Helm, Hendry, Horton, Hosbrook, Humphreys, Jackson of Madison, Jackson of Tipton, Kightley, Meeker, Odell, Powell, Reynolds, Robinson, Shallenberger, Shook, Simpson, Slater, Spann, Sullivan, Vandeventer, Williams, Wilson of Harrison and Witherow—42.

Mr. Gant voted in the negative—1.

So the bill passed.

Ordered that the Secretary inform the House thereof.

No. 157. A bill in relation to the Reservoirs in the counties of Gibson and Clay.

Was read the third time.

The question being on the passage of the bill.

*Those who voted in the affirmative were,*

Messrs. Adams, Anthony, Barnett, Barton, Black, Brown, Butler, Combs, Cox, Cutshaw, Edsall, Edwards, Gant, Gibson, Glazebrook, Griggs, Gordon, Hall, Hawthorn, Helm, Hendry, Horton, Hosbrook, Jackson of Madison, Jackson of Tipton, Kightley, Meeker, Odell, Powell, Reynolds, Robinson, Shallenberger, Shields, Shook, Simpson, Slater, Spann, Sullivan, Vandeventer, Williams, Wilson of Harrison, Wilson of Jay, and Witherow—43.

Mr. Humphreys voted in the negative.

So the bill passed.

Ordered that the Secretary inform the House thereof.

No. 160. A bill to amend section 4 and section 6 of an act prescribing the powers and duties of coroners," approved May 27, 1852.

Was read a third time.

The question being on the passage of the bill,

*Those who voted in the affirmative were,*

Messrs. Adams, Anthony, Barnett, Brookshire, Butler, Combs, Edsall, Edwards, Gant, Glazebrook, Griggs, Hall, Hawthorn, Helm, Hendry, Horton, Hosbrook, Humphreys, Jackson of Madison, Jackson of Tipton, Kightley, Odell, Powell, Reynolds, Robinson, Simpson, Vandeventer, Williams, Wilson of Harrison, Wilson of Jay, and Witherow—31.

*Those who voted in the negative were,*

Messrs. Black, Brown, Cox, Cutshaw, Gibson, Gordon, Meeker, Shallenberger, Shook, Spann, and Sullivan—11.

So the bill passed.

Ordered that the Secretary inform the House thereof.

Mr. Wilson of Harrison introduced the following bill:

No. 139. A bill to amend an act entitled "an act dividing the State into counties, defining their boundaries, and defining the jurisdiction of such as border on the Ohio and Wabash rivers," approved June 7th, 1852.

Which was read the first time.

Mr. Wilson of Harrison moved to suspend the rules and read the bill a second time.

*Those who voted in the affirmative were,*

Messrs. Adams, Anthony, Barnett, Barton, Black, Brookshire, Brown, Butler, Combs, Cox, Cutshaw, Edsall, Edwards, Gibson, Glazebrook, Griggs, Gordon, Hall, Hawthorn, Helm, Hendry, Horton, Hosbrook, Jackson of Madison, Jackson of Tipton, Kightley, Meeker, Odell, Powell, Reynolds, Robinson, Shallenberger, Shields, Shook, Simpson, Slater, Spann, Vandeventer, Williams, Wilson of Harrison Wilson of Jay and Witherow—42.

No Senator voting in the negative.

So the rules were suspended, the bill read the second time, and ordered to be engrossed.

Mr. Shook, chairman of the committee on Elections, made the following report:

MR. PRESIDENT:

The committee on Elections to whom was referred the certificate of election of members of the Senate, have had the same under consideration, and direct me to report that they have examined the certificates of the following Senators, and find them duly elected and certified, to-wit:

*From the counties of Adams and Allen, Samuel Edsall.*

*From the counties of Bartholomew and Jennings, John L. Spann.*

*From the counties of Carroll and Clinton—Washington L. Black.*

*From the county of Clark—Thomas W. Gibson.*

*From the counties of Cass, Howard and Pulaski—William C. Barnett.*

*From the counties of Delaware, Grant and Blackford—Isaac Vandeventer.*

✓ *From the county of Decatur—Wm. J. Robinson.*

*From the county of Dearborn—Richard D. Slater.*

*From the counties of DeKalb and Steuben—Alanson W. Hendry.*

✓ *From the counties of Elkhart and Lagrange—Thos. G. Harris.*

*From the county of Floyd—James M. Morrison.*

*From the counties of Fayette and Union—Minor Meeker.*

*From the county of Franklin—Giles Gant.*

*From the county of Fountain—Harris Reynolds.*

*From the counties of Gibson, Pike and Dubois—William Hawthorn.*

*From the counties of Hamilton, Boone and Tipton—Newton J. Jackson.*

*From the county of Henry—William W. Williams.*

*From the counties of Huntington and Wells—Theodore Horton.*

- From the county of Hendricks*—John Witherow.  
*From the county of Harrison*—Geo. P. R. Wilson.  
*From the counties of Hancock and Madison*—Andrew Jackson.  
*From the counties of Jackson and Scott*—M. W. Shields.  
*From the county of Jefferson*—John H. Sullivan.  
*From the county of Johnson*—John W. Kightley.  
*From the counties of Knox, Martin and Daviess*—G. G. Barton.  
*From the counties of Lake, Laporte and Porter*—Samuel I. Anthony.  
*From the county of Lawrence*—John Edwards.  
*From the county of Marion*—Percy Hosbrook.  
*From the counties of Monroe and Brown*—Thomas M. Adams.  
*From the county of Morgan*—A. S. Griggs.  
*From the county of Montgomery*—Swan Brookshire.  
*From the counties of Noble, Kosciusko and Whitley*—Samuel D. Hall.  
*From the counties of Ohio and Switzerland*—Wm. H. Powell.  
*From the counties of Orange and Crawford*—Joseph Cox.  
*From the counties of Owen and Greene*—Andrew Humphreys.  
*From the counties of Parke and Vermillion*—Matthew Simpson.  
*From the counties of Posey and Vanderburgh*—Wm. R. Greathouse.  
*From the county of Putnam*—Loyd Glazebrook.  
*From the counties of Randolph and Jay*—Theophilus Wilson.  
*From the county of Ripley*—Luther Shook.  
*From the county of Rush*—Jefferson Helm.  
*From the county of Shelby*—George W. Brown.  
*From the counties of St. Joseph, Marshall, Fulton and Starke*—A. P. Richardson.  
*From the counties of Sullivan and Clay*—Michael Combs.  
*From the county of Tippecanoe*—A. W. Gordon.  
*From the counties of Warrick, Spencer and Perry*—G. H. Roberts.  
*From the counties of White, Benton, Jasper and Warren*—Elijah Odell.  
*From the county of Washington*—Townsend Cutshaw.  
*From the county of Wayne*—Oliver Butler.  
 Which was concurred in by the Senate.

On motion by Mr. Odell,

Senate bill No. 45, a bill to amend section 23 of an act to provide for the valuation and assessment of the real and personal property, and the collection of taxes in the State of Indiana, for the election of township assessors, and prescribing the duties of assessors, appraisers of real property, county treasurers and auditors, and the Treasurer and Auditor of State, approved January 1, 1852;

Which failed for want of a constitutional majority, was taken up.  
 Mr. Black moved that the bill be laid on the table;

A count being had, there was a tie vote.

The President voted in the affirmative.

So the bill was laid on the table.

Mr. Wilson of Harrison moved to take House bill

No. 150. A bill to amend an act entitled "an act authorizing recorders to make out complete or general indexes to records of deeds and mortgages, and procure and use seals," approved February 16, 1853;

From the table.

Which was agreed to.

The question being on the passage of the bill,

*Those who voted in the affirmative were,*

Messrs. Barnett, Barton, Black, Brookshire, Brown, Butler, Combs, Cox, Cutshaw, Edsall, Edwards, Gibson, Glazebrook, Greathouse, Griggs, Gordon, Hall, Hawthorn, Helm, Horton, Hosbrook, Humphreys, Jackson of Tipton, Meeker, Odell, Powell, Reynolds, Robinson, Shallenberger, Simpson, Slater, Spann, Williams, Wilson of Harrison, Wilson of Jay and Witherow—36.

Messrs. Adams, Gant, Shields, Shook, and Vandeventer, voted in the negative—4.

So the bill passed.

Ordered that the Secretary inform the House thereof.

The following message was received from the House of Representatives, by Mr. Bowes, their Clerk:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the Speaker has signed Senate bills Nos. 19 and 53, which I am directed to return to the Senate.

Mr. Hawthorn submitted the following resolution:

*Resolved*, That the Principal Secretary be required to report to this Senate before next Thursday, the number of clerks and assistant clerks; also, the clerks of committees, if any; the number of doorkeepers and assistant doorkeepers; their names, and the number of days each of said clerks and doorkeepers claim for, and the amount charged per day.

Which was adopted.

Mr. Spann made the following report from a select committee:

MR. PRESIDENT:

The committee to whom was referred joint resolution No. 11, relative to the duty on railway iron, have had the same under consideration, and have directed me to report the same back to the Senate with the following amendment:

After the words "railroad iron," insert "all articles manufactured of iron."

The question being on concurring in the report of the committee, It was decided in the negative; when,

On motion by Mr. Edsall,

The amendment proposed by the committee was laid on the table.

The joint resolution was read the third time.

The question being, shall the joint resolution pass?

*Those who voted in the affirmative were,*

Messrs. Black, Brookshire, Brown, Combs, Edsall, Gant, Gibson, Glazebrook, Greathouse, Gordon, Jackson of Tipton and Simpson—11.

*Those who voted in the negative were,*

Messrs. Adams, Barnett, Barton, Butler, Cox, Cutshaw, Edwards, Griggs, Hall, Hawthorn, Helm, Horton, Hosbrook, Humphreys, Kightley, Meeker, Odell, Powell, Robinson, Shallenberger, Shields, Shook, Slater, Spann, Williams, Wilson of Harrison, Wilson of Jay and Witherow—28.

So the joint resolution did not pass.

On motion by Mr. Hawthorn,

The vote adopting a resolution presented by him relative to the number of clerks and doorkeepers employed by the Senate,

Was reconsidered; when,

Mr. Hawthorn offered the following amendment to the resolution:

Strike out so much as relates to clerks of committees and doorkeepers.

Which was agreed to.

On motion by Mr. Black,

The resolution was further amended by striking out "the amount charged per day,"

Which was agreed to.

The resolution as amended was then adopted.

Mr. Hawthorn submitted the following resolution:

*Resolved*, That the doorkeeper be requested to report to this Senate on — before next Thursday, the number of doorkeepers and

assistant doorkeepers, their names and the number of days each one has been employed.

Which was adopted.

On motion by Mr. Wilson of Harrison,  
The Senate adjourned until 2 o'clock,

2 o'clock, P. M.

The Senate assembled.

The President laid before the Senate the following communication from the Superintendent of the Blind Asylum.

INDIANA INSTITUTE FOR THE EDUCATION OF THE BLIND, }  
Indianapolis, March 1, 1853. }

HON. A. P. WILLARD,

*President of the Senate.*

DEAR SIR:—Be so kind as to inform the members of the Senate, that the examination of the pupils of the State Institution for the Blind, called for by the General Assembly, will take place this evening at the Institute, commencing at 7 o'clock precisely. I send 100 tickets for the use of the Senators and their principal officers, to be distributed as you may think best.

As the accommodations for an audience at the Institute are limited, and as it is desirable that the members of the General Assembly shall have an opportunity to witness the examination without being crowded out of their seats, they will of course see the propriety of inviting no more persons to accompany them than the tickets will provide for.

Very respectfully,

W. H. CHURCHMAN,

*Superintendent I. I. B.*

Mr. Edwards asked and obtained leave to amend the report of the select committee in reference to the relocation of the seat of justice of Clay county, as follows:

After the words county boards, add "over the subject matter of the relocation of the seats of justice in their respective counties."

Mr. Wilson of Harrison moved to suspend the rules and take up Senate bill No. 139, a bill to amend an act entitled an act dividing the State into counties, defining their boundaries and defining the jurisdiction of such as border on the Ohio and Wabash rivers, approved June 7, 1852.

*Those who voted in the affirmative were,*

Messrs. Adams, Barnett, Barton, Black, Brookshire, Brown, Butler, Combs, Cox, Cutshaw, Edsall, Gant, Gibson, Greathouse, Griggs, Gordon, Hall, Hawthorn, Hendry, Horton, Humphreys, Jackson of Madison, Jackson of Tipton, Kightley, Meeker, Powell, Reynolds, Robinson, Shields, Shook, Simpson, Slater, Spann, Vandeventer, Williams, Wilson of Harrison, and Witherow—37.

So the rules were suspended and the bill read a third time.

By unanimous consent of the Senate,

On motion by Mr. Wilson of Harrison,

The bill was amended as follows:

*Provided however,* That nothing herein contained, shall be so construed, as altering or changing, in any particular the boundary of the county of Floyd as set forth in the Revised Statutes of 1852.

The question being on the passage of the bill,

*Those who voted in the affirmative were,*

Messrs. Adams, Anthony, Barnett, Barton, Black, Brown, Butler, Combs, Cox, Cutshaw, Edsall, Edwards, Gant, Gibson, Griggs, Gordon, Hall, Hawthorn, Hendry, Horton, Hosbrook, Humphreys, Jackson of Madison, Jackson of Tipton, Kightley, Meeker, Powell, Reynolds, Robinson, Shallenberger, Shields, Shook, Simpson, Slater, Spann, Vandeventer, Williams, Wilson of Harrison, Wilson of Jay and Witherow—40.

No Senator voting in the negative.

So the bill passed.

Ordered that the Secretary inform the House thereof.

Mr. Cox, chairman of the committee on Enrolled Bills made the following report:

MR. PRESIDENT:

The committee on Enrolled Bills have compared the enrolled with the engrossed copy of bill No. 106, a bill to amend an act entitled, "an act regulating the fees of officers," approved June 16, 1852, and find the same correctly enrolled.

Mr. Humphreys, chairman of a select committee, made the following report:

**MR. PRESIDENT:**

The select committee to whom was referred House bill No. 179, a bill in regard to criminal prosecutions against the Trustees of the Wabash and Erie Canal, have had the same under consideration and have directed me to report the same back with the following amendment.

Add to the end of the 1st section:

*Provided*, That nothing herein contained shall be so construed as to prohibit civil suits for damages done by reason of said lock dam, or aqueduct to any individual as provided by existing laws.

Which report was concurred in, the amendments adopted, the bill the bill read a second time and ordered to a third reading.

Mr. Brown moved to suspend the rules, and read the bill a third time now.

The question being on suspending the rules;

*Those who voted in the affirmative were,*

Messrs. Adams, Anthony, Barnett, Barton, Black, Brookshire, Brown, Butler, Combs, Cox, Cutshaw, Edsall, Edwards, Gant, Gibson, Glazebrook, Greathouse, Griggs, Gordon, Hall, Harris, Hawthorn, Helm, Hendry, Horton, Hosbrook, Jackson of Madison, Jackson of Tipton, Kightley, Meeker, Odell, Powell, Reynolds, Shallenberger, Shields, Shook, Simpson, Slater, Spann, Sullivan, Vandeventer, Williams, Wilson of Harrison, Wilson of Jay, and Witherow—39.

Mr. Humphreys voted in the negative.

So the rules were suspended, and the bill read a third time.

The question being on the passage of the bill.

*Those who voted in the affirmative were,*

Messrs. Adams, Anthony, Barton, Black, Brookshire, Brown, Butler, Combs, Cutshaw, Edsall, Edwards, Gibson, Greathouse, Gordon, Hall, Hawthorn, Hendry, Hosbrook, Jackson of Madison, Jackson of Tipton, Kightley, Meeker, Powell, Reynolds, Robinson, Shallenberger, Shields, Simpson, Slater, Sullivan, Vandeventer, Wilson of Harrison, Wilson of Jay and Witherow—34.

*Those who voted in the negative were,*

Messrs. Cox, Gant, Glazebrook, Griggs, Helm, Humphreys, Shook, and Williams—8.

So the bill passed.

Ordered that the Secretary inform the House thereof

Mr. Wilson of Harrison, chairman of a select committee, made the following report:

MR. PRESIDENT:

The select committee to whom was referred a resolution on that subject, report for the adoption of the Senate the following resolution:

*Resolved.* That the committee on Finance be directed to report an appropriation not exceeding \$75,000 to be placed on the specific appropriation bill, to be expended under the direction of the Auditor of State in inclosing, in a suitable manner, the grave of the late Andrew Kennedy.

The question being on the adoption of the resolution.

The ayes and noes were demanded by Senators Shields and Griggs.

*Those who voted in the affirmative were,*

Messrs. Adams, Anthony, Barton, Black, Butler, Combs, Edsall, Greathouse, Hawthorn, Hendry, Jackson of Madison, Odell, Powell, Reynolds, Spann, Vandeventer, Wilson of Harrison and Witherow—18.

*Those who voted in the negative were,*

Messrs. Barnett, Brookshire, Cox, Cutshaw, Edwards, Gant, Gibson, Glazebrook, Griggs, Gordon, Hall, Horton, Hosbrook, Jackson of Tipton, Kightley, Meeker, Robinson, Shallenberger, Shields, Shook, Simpson, Slater, Williams and Wilson of Jay—24.

So the resolution was not adopted.

Mr. Hosbrook introduced the following bill:

No. 140. A bill to provide for the printing, binding and distribution of the laws of the present session of the General Assembly, together with all general laws remaining in force and not published with the Revised Statutes of 1852,

Which was read the first time.

Mr. Hosbrook moved to suspend the rules and read the bill a second time now.

The question being on suspending the rules.

*Those who voted in the affirmative were,*

Messrs. Adams, Barnett, Black, Brookshire, Brown, Butler, Combs, Cox, Cutshaw, Edsall, Edwards, Gant, Glazebrook, Greathouse, Griggs, Gordon, Hall, Hawthorn, Helm, Hendry, Horton, Hosbrook, Humphreys, Jackson of Madison, Jackson of Tipton, Kightley.

Meeker, Odell, Powell, Reynolds, Robinson, Shallenberger, Shields, Shook, Simpson, Spann, Vandeventer, Williams, Wilson of Harrison, Wilson of Jay and Witherow—41.

No Senator voting in the negative.

So the rules were suspended, the bill read a second time; and,

On motion by Mr. Hosbrook,

Referred to a select committee.

Senators Hosbrook, Humphreys and Hawthorn were appointed said committee.

Mr. Brookshire, from a select committee, submitted the following report:

MR. PRESIDENT:

The committee to whom was referred numerous petitions on the subject of education, have had the same under consideration, and they have directed me to report the same back and deem it inexpedient to legislate further on the subject, and ask to be discharged from its further consideration.

Which report was concurred in.

The following message was received from the House of Representatives, by Mr. Bowes, their Clerk:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House has passed the following engrossed bill of the Senate:

Bill No. 92. An act to authorize and require clerks of the court of common pleas, in all cases where the proper record books have not been provided in time for the January term of said court for the year 1853, to transcribe from the original records into the new record books, when provided, and to legalize the same, without amendment.

The following message from the House of Representatives was taken up:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House has passed the following engrossed bill thereof:

Bill No. 208. A bill to prevent railroad companies from changing their depots, except on certain conditions therein named.

In which the concurrence of the Senate is respectfully requested.

Bill No. 208, contained in the message, was read the first time and ordered to a second reading.

Also, the following message from the House of Representatives, was taken up:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House have passed the following resolution thereof, to-wit:

*Resolved*, That the House will, the Senate concurring, go into an election of six trustees for the Asylum for the Deaf and Dumb, and also six trustees for the Asylum for the Blind, on Thursday next at two o'clock, P. M.

In which the concurrence of the Senate is respectfully requested.

On motion by Mr. Humphreys,

The resolution of the House contained in the message, was concurred in.

Also, the following message from the House of Representatives was taken up:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House have adopted the following resolution, viz:

*Resolved*, That the House will, the Senate concurring, go into the election of three commissioners for the Indiana Asylum for the Insane, on Wednesday next at 10 o'clock, A. M.

In which the concurrence of the Senate is respectfully requested.

On motion by Mr. Humphreys,

The resolution of the House contained in the message was concurred in.

On motion by Mr. Gibson,

The Senate adjourned.

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WEDNESDAY MORNING, 9 o'clock, }  
March 2, 1853. }

The Senate assembled.

On motion by Mr. Black,

The reading of the journal was dispensed with.

## REPORTS FROM COMMITTEES.

By Mr. Shook, from the committee on Elections :

MR. PRESIDENT :

The committee on Elections, to whom was referred so much of the Governor's message as relates to the subject of preventing betting on the elections, have had the subject under consideration, and have directed me to report that in the opinion of the committee it is inexpedient at this time to legislate on the subject, and ask to be discharged from the further consideration of the same.

Which report was concurred in by the Senate.

Mr. Black, chairman of the committee on Education, submitted the following report :

MR. PRESIDENT :

The committee on Education, to whom was referred House bill No. 180, a bill amendatory of and supplemental to an act entitled "an act to provide for a general and uniform system of common schools and school libraries, and matters properly connected therewith," approved June 14, 1852, have had the same under consideration, and have directed me to report the same back to the Senate, with the following amendments, and when so amended, recommend its passage.

Amend first, by striking out of section seven the words "one dollar," and insert in lieu thereof "fifty cents."

Amend second, by striking out of section eight all after the word "pleasure."

Which report was concurred in, the amendments adopted, and the bill read the third time.

The question being on the passage of the bill,

*Those who voted in the affirmative were,*

Messrs. Adams, Anthony, Barnett, Barton, Black, Brookshire, Brown, Butler, Combs, Cox, Cutshaw, Edsall, Edwards, Great-house, Gordon, Hall, Hawthorn, Helm, Hendry, Horton, Hosbrook, Humphreys, Jackson of Madison, Jackson of Tipton, Kightley, Meeker, Odell, Powell, Shallenberger, Shields, Simpson, Slater, Sullivan, Williams, Wilson of Harrison, Wilson of Jay and Witherow—37.

*Those who voted in the negative were,*

Messrs. Gant, Gibson, Glazebrook, Griggs, Robinson, Shook, Spann, and Vandeventer—8.

So the bill passed.

Ordered that the Secretary inform the House thereof.

Leave being granted, Mr. Gibson made the following report from the Judiciary committee:

**MR. PRESIDENT:**

The Judiciary committee to whom was referred House bill No. 205, a bill to amend the 18, 24, 25 and 26 sections of an act regulating descents and the apportionment of estates, have had the same under consideration and have directed me to recommend the adoption of the following amendments, and when so amended recommend its passage.

1. Amend the first section by striking out the words her children by the marriage in virtue of which such real estate came to her, and inserting, the children of the husband from whom she inherited such land.

2. Amend the first section by striking out the words, "the marriage by virtue of which she held the same," and inserting "the husband from whom she inherited the same."

3. Amend the first section by striking out the proviso.

Add the following section:

SEC. —. The personal property of the wife, held by her at the time of her marriage, or acquired during coverture by descent, devise or gift, shall remain her own property to the same extent and under the same rules as her real estate so remains, and on the death of the husband before the wife such personal property shall go to the wife and on the death of the wife before the husband shall be distributed in the same manner as her real estate descends and is apportioned under the same circumstances.

Amend the title by adding thereto "and adding a supplemental section to said act.

Which report was concurred in,

The amendments adopted, and the bill read the second time.

Mr. Gibson moved to suspend the rules and read the bill the third time,

The question being on suspending the rules,

*Those who voted in the affirmative were,*

Messrs. Adams, Anthony, Barnett, Barton, Black, Brookshire,

Combs, Cutshaw, Edsall, Edwards, Gibson, Glazebrook, Greathouse, Gordon, Hall, Hawthorn, Helm, Hendry, Horton, Hosbrook, Humphreys, Jackson of Madison, Jackson of Tipton, Kightley, Meeker, Odell, Powell, Reynolds, Roberts, Robinson, Shallenberger, Shields, Simpson, Slater, Spann, Sullivan, Williams, Wilson of Harrison, and Wilson of Jay—39.

*Those who voted in the negative were,*

Messrs. Butler, Cox, Gant, Griggs, Shook, Vandeventer, and Witherow.

So the rules were suspended and the bill read the third time.  
The question being on the passage of the bill,

*Those who voted in the affirmative were,*

Messrs. Adams, Anthony, Barnett, Barton, Black, Brookshire, Brown, Combs, Cutshaw, Edwards, Gibson, Glazebrook, Greathouse, Griggs, Gordon, Hall, Hawthorn, Helm, Hendry, Horton, Hosbrook, Humphreys, Jackson of Madison, Jackson of Tipton, Kightley, Meeker, Odell, Powell, Reynolds, Roberts, Robinson, Shallenberger, Shields, Shook, Simpson, Slater, Spann, Sullivan, Vandeventer, Williams, Wilson of Harrison and Wilson of Jay—42.

Messrs. Butler, Cox, and Witherow voted in the negative—3.

So the bill passed.

Ordered, that the Secretary inform the House thereof.

By Mr. Witherow, from the Judiciary committee:

MR. PRESIDENT:

The committee on the Judiciary, to whom was referred the petition of Gordon A. Moss and others, asking a special charter to make a railroad from Lafayette to Chicago, have had the same under consideration, and directed me to report the petition back to the Senate, with the opinion of the committee that granting the prayer of the petitioners would be unconstitutional.

Which report was concurred in by the Senate.

The President laid before the Senate the following communication from Geo. L. Sites, Principal Secretary:

SENATE CHAMBER, }  
MARCH 1, 1853. }

HON. A. P. WILLARD,  
*President of the Senate:*

SIR:—Please lay before the Honorable body over which you preside the following communication in answer to a resolution of the Senate adopted this day.

Respectfully,  
GEO. L. SITES,  
*Secretary of the Senate.*

MR. PRESIDENT:

In obedience to a resolution this day adopted by the Senate calling upon the Secretary for the number of assistants, their names, and the number of days each have been employed, I would respectfully submit the following report.

Under the report of the select committee, concurred in by the Senate, at the early part of the session, the secretaries were authorized to employ six assistants, for the purpose of discharging the following duties: two to assist in reading at the desk, making out messages, copying resolutions and taking care of papers; one engrossing clerk, one enrolling clerk, and two to assist in making up the journal. Your secretaries have employed Messrs. C. B. Bentley, Lambert Fouts, Gordon Tanner, Cyrus F. Widup, Benedict Burns and C. S. Horton, under the said order of the Senate, and each of said assistants have been in constant attendance, since said order. Your Secretary would here suggest that the enrolling has been done in an able manner at a less cost than heretofore.

Your Secretary has not any time as yet employed any assistant without the order the Senate, but in all probability will be compelled to employ for a few days one or two assistants for enrolling bills, in order to meet the press of work consequent upon the near approach of the close of the session.

The assistants have been constantly engaged both during the hours of session and after the adjournment; they are all efficient officers, and have ably discharged the duties devolving upon them.

Their kind and courteous manner both toward the Senate and the secretaries demand the approbation of the Senate.

Your secretaries would return their acknowledgments for the kindness and courtesy extended them by the Senate, for their liberality in authorizing a sufficient corps of assistants, as your Principal Secretary can only discharge the various duties imposed by the aid of efficient assistants, yet the number ordered to be employed were none too many, having both a due regard to the labor to be performed, and the expenditure of the money incurred.

The Senate must be well aware that under the wholesome provisions of the new Constitution, the labors of the secretaries are largely increased by the reading of bills through by sections, calling of the ayes and noes, and the journals become much more voluminous.

Your Secretary again returns his acknowledgments to the Senate for their kindness and liberality.

All of which is respectfully submitted.

GEO. L. SITES,  
*Principal Secretary of the Senate.*

Which report was,

On motion by Mr. Hawthorn,

Laid on the table.

Report by Mr. Hendry, from the Judiciary committee:

MR. PRESIDENT:

The committee on the Judiciary, to whom was referred House bill No. 81, entitled "an act to provide for exempting from taxation the property of widows and children in certain cases," have had the same under consideration, and have directed me to report the bill back to the Senate, and that the same is unconstitutional.

Which report was concurred in by the Senate.

By Mr. Brown, chairman of the committee on Agriculture.

MR. PRESIDENT:

The committee on Agriculture to whom was referred the report of the President of the State Board of Agriculture, have had that subject under consideration and have directed me to report the same back to the Senate and recommend that it be laid on the table and four thousand copies be printed and neatly bound for the use of the societies to be distributed by the president of said board.

Mr. Shook offered the following amendment to the report of the committee.

*Provided*, The expense be paid out of the county treasury of the several counties organized under the act for the encouragement of agriculture, approved February 17, 1852.

Which was not agreed to.

Mr. Wilson of Harrison offered the following amendment:

Amend by providing that two copies hereof be sent to each Senator and Representative, at the same time and in the same manner, that copies are sent to the agricultural societies.

Mr. Shook offered the following amendment to the amendment:

To be distributed equally among the several counties of this State according to the population of 1850.

Mr. Robinson moved to lay the amendment to the amendment on the table.

Upon which,

The ayes and noes were demanded by Messrs. Odell and Shook.

*Those who voted in the affirmative were,*

Messrs. Adams, Anthony, Barton, Black, Brown, Butler, Combs, Edsall, Edwards, Gant, Gibson, Glazebrook, Gordon, Hall, Helm, Hendry, Horton, Hosbrook, Humphreys, Kightley, Meeker, Powell, Reynolds, Roberts, Robinson, Shallenberger, Simpson, Williams, Wilson of Harrison, Wilson of Jay and Witherow—31.

*Those who voted in the negative were,*

Messrs. Barnett, Brookshire, Cox, Cutshaw, Griggs, Hawthorn, Jackson of Madison, Jackson of Tipton, Odell, Shields, Shook, Spann and Vandeventer—13.

So the amendment to the amendment was laid on the table.

Mr. Robinson offered the following amendment to the amendment of Mr. Wilson of Harrison.

Amend so that each school library in the State be furnished with a copy of said reports.

Which was agreed to.

Mr. Spann submitted the following amendment to the amendment:

Insert in the proper place—two copies shall be distributed to each county library where there is one in which no society is organized.

Which was agreed to.

The question then recurring on the amendment as amended ;

It was agreed to.

The report of the committee was then concurred in as amended.

By Mr. Hosbrook from a select committee :

**MR. PRESIDENT:**

The committee to whom was referred Senate bill No. 140, a bill to provide for the printing, binding and distribution of the laws of the present session of the General Assembly, together with all general laws remaining in force and not published with the Revised Statutes of 1852, have had the same under consideration, and have instructed me to report the same back and recommend its passage.

Which report was concurred in by the Senate.

On motion by Mr. Hosbrook,  
 The bill was considered as engrossed and read the 3d time.  
 By unanimous consent,  
 On motion by Mr. Shook,  
 The bill was amended as follows:  
 Strike out the second section of the bill.  
 The question being on the passage of the bill.

*Those who voted in the affirmative were,*

Messrs. Adams, Anthony, Barnett, Barton, Black, Brookshire, Brown, Butler, Combs, Cox, Cutshaw, Edsall, Edwards, Gant, Gibson, Glazebrook, Greathouse, Griggs, Gordon, Hall, Hawthorn, Helm, Hendry, Horton, Hosbrook, Humphreys, Jackson of Madison, Jackson of Tipton, Kightley, Meeker, Odell, Powell, Roberts, Robinson, Shallenberger, Shook, Simpson, Slater, Spann, Vandeverter, Williams, Wilson of Harrison, Wilson of Jay and Witherow—44.

No Senator voting in the negative.

So the bill passed.

Ordered that the Secretary inform the House thereof.

On motion by Mr. Gibson,

The title was amended by striking out the latter clause.

By Mr. Humphreys chairman of the committee on Banks:

MR. PRESIDENT:

The committee on Banks to whom was referred House bill No. 110, a bill to revise and amend an act entitled "an act to authorize and regulate the business of general banking," approved May 28, 1852," report the same back for the action of the Senate and ask to be discharged from further consideration.

Which report was concurred in by the Senate.

Mr. Humphreys moved to strike out the 41st section of the bill,

Which was agreed to.

The following message was received from the House of Representatives, by Mr. Bowes, their Clerk:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House have passed the following resolution:

*Resolved*, That the Senate be invited to attend in this Hall, instantler, for the purpose of proceeding to the election of three com-

missioners for the Hospital for the Insane, and that seats be provided on the right of the Speaker's desk.

Which was reciprocated, and the Senate repaired in a body to the Hall of the House of Representatives, preceded by their President.

Hon. A. P. Willard, President of the Senate, took his seat as President of the convention.

The two Houses of the General Assembly in joint convention assembled, proceeded by a joint *viva voce* vote to the election of three commissioners for the Hospital for the Insane.

*Those who voted for James S. Athon on the part of the Senate were,*

Messrs. Adams, Anthony, Barton, Black, Brookshire, Brown, Cox, Cutshaw, Edsall, Gibson, Glazebrook, Greathouse, Gordon, Hall, Hawthorn, Hendry, Horton, Humphreys, Jackson of Madison, Jackson of Tipton, Kightley, Reynolds, Robinson, Shallenberger, Shook, Slater, Spann, Sullivan and Witherow.

*Those who voted for James S. Athon on the part of the House were,*

Messrs. Able, Ballard, Brecount, Bridges, Brown, Buell, Bundy, Burnett, Catlin, Chapin, Clark, Cooper, Dodd, Donelson, Druley, Dufour, Dunlavey, Durham, Dyer, Emery, Farnsley, Fleming, Freeland, Gentry, Goodman, Hamrick, Handy, Hartley, Hendricks, Handy, Henton, Hicks, Howell, Hunt, Jones of Boone, Jones of Ripley, Lasselle, Lewis, Lowe, Manville, McClure, McDonald of Lake, McDonnall of Sullivan, McKee, McKinney, Milroy, Parker, Price, Read, Richardson, Rockafellar, Ryan, Scott, Seawright, Shoemaker, Simpson, Spencer, Stackhouse, Steele, Stephens, Stockwell, Struble, Tanner, Thomas, Underwood, Walker of Laporte, Wilson, Work, Yount and Mr. Speaker—98.

*Those who voted for James Ritchey on the part of the Senate were,*

Messrs. Adams, Anthony, Barnett, Barton, Black, Brookshire, Brown, Combs, Cox, Cutshaw, Edsall, Edwards, Gibson, Glazebrook, Greathouse, Gordon, Hawthorn, Hendry, Horton, Hosbrook, Humphreys, Jackson of Madison, Jackson of Tipton, Kightley, Reynolds, Roberts, Robinson, Shellenberger, Shook, Slater, Spann, Sullivan, and Wilson.

*Those who voted for James Ritchey on the part of the House were,*

Messrs. Able, Brecount, Bridges, Brown, Buell, Bundy, Catlin, Chapin, Clark, Cooper, Dodd, Donelson, Druley, Dufour, Dunlavey, Durham, Emery, Farnsley, Fleming, Freeland, Gentry, Hamrick,

Handy, Hartley, Henry, Hicks, Howell, Johnson, Jones of Boone, Jones of Ripley, Lasselle, Lewis, Lowe, Manville, McClure, McDonald of Lake, McDonnall of Sullivan, McKee, McKinney, Milroy, Parker, Pratt, Read, Richardson, Rockafellar, Seawright, Shoemaker, Simpson, Spencer, Stackhouse, Stephens, Stockwell, Struble, Tanner, Thomas, Underwood, Walker of Laporte, Walker of Rush and Mr. Speaker—95.

*Those who voted for Henry F. West on the part of the Senate were,*

Messrs. Anthony, Barnett, Barton, Black, Brookshire, Brown, Combs, Cutshaw, Edsall, Gibson, Glazebrook, Greathouse, Gordon, Hall, Horton, Hosbrook, Humphreys, Jackson of Tipton, Kightley, Reynolds, Roberts, Shallenberger, Shook, Slater, Spann, Sullivan, Vandeventer and Wilson of Harrison.

*Those who voted for Henry F. West on the part of the House were,*

Messrs. Able, Bridges, Brown, Buell, Bundy, Catlin, Chapin, Clark, Cooper, Dodd, Donald, Donelson, Druley, Dufour, Dunlavey, Durham, Emery, Farnsley, Fleming, Graham, Handy, Hartley, Henry, Henton, Hicks, Howell, Jones of Ripley, Lasselle, Lewis, Lowe, Manville, McClure, McDonald of Lake, McDonnall of Sullivan, McKee, McKinney, Milroy, Parker, Price, Read, Richardson, Rockafellar, Shoemaker, Simpson, Spencer, Stephens, Struble, Tanner, Thomas, Underwood, Walker of Laporte, Wilson, Work and Mr. Speaker—83.

*Those who voted for James Woodburn on the part of the Senate were,*

Messrs. Butler, Edwards, Griggs, Meeker, Odell, Vandeventer, Williams, Wilson of Harrison, Wilson of Jay and Witherow.

*Those who voted for James Woodburn on the part of the House were,*

Messrs. Ballard, Burnett, Donald, Freeland, Goodman, Graham, Greene, Harris, Hendricks, Hooper, Hunt, Johnson, Laird, Lines, Orr, Pratt, Ryan, Scott, Steele, Stockwell, Taber and Walker of Rush—34.

*Those who voted for James Blake on the part of the Senate were,*

Messrs. Barnett, Butler, Combs, Cox, Edwards, Griggs, Hall, Hawthorn, Hendry, Hosbrook, Jackson of Madison, Meeker, Odell,

Roberts, Robinson, Vandeventer, Williams, Wilson of Harrison, Wilson of Jay and Witherow.

*Those who voted for James Blake on the part of the House were,*

Messrs. Ballard, Burnett, Donald, Ferris, Gentry, Graham, Greene, Hamrick, Harris, Hendricks, Hooper, Hunt, Jones of Boone, Laird, Lewis, Orr, Pratt, Ryan, Scott, Seawright, Steele, Taber and Walker of Rush—43.

*Those who voted blank on the part of the Senate were,*

Messrs. Butler, Griggs, Meeker, Odell and Williams.

*Those who voted blank on the part of the House were,*

Messrs. Brecount, Dyer, Ferris, Goodman, Greene, Harris, Hooper, Johnson, Laird, Lines, Orr, Stackhouse and Work—18.

Whole number of votes cast.....	124
Necessary to a choice.....	63

Of which number James S. Athon received.....	98	votes.
James Ritchey       “ .....	95	“
Henry F. West       “ .....	83	“
James Woodburn     “ .....	34	“
James Blake         “ .....	43	“
Blank                “ .....	18	“

James S. Athon, James Ritchey and Henry F. West, having received a majority of all the votes cast, were by the President of the convention declared duly elected commissioners of the Hospital for the Insane, to serve as such for the term of three years, two months and two days, from this date.

The Senate returned to their chamber, and resumed the consideration of House bill No. 110, a bill regulating free banking, &c.

Mr. Humphreys moved to strike out “50 cents,” in the section and insert “75.”

Which was not agreed to.

Mr. Anthony offered the following amendment :

*Provided*, That whenever the majority of the stockholders of any bank, are resident citizens of this State for three years last past, and are engaged in a legitimate banking business, then said bank shall only be required to deposit one dollar in stock as aforesaid, for each dollar in circulation received.

Mr. Brown moved to amend the amendment as follows:

Amend the amendment by requiring of bankers to deposit 20 per cent. additional security.

Which was not agreed to.

Mr. Shook offered the following amendment to the amendment:  
Amend so as to require non-residents to deposite 15 additional,  
and residents to deposite 10 per cent. additional.

Which was not agreed to.

The question recurring on the amendment of Mr. Anthony,  
The ayes and noes were demanded by Messrs. Anthony and  
Meeker.

*Those who voted in the affirmative were,*

Messrs. Anthony, Barnett, Barton, Black, Cox, Edwards, Gibson,  
Greathouse, Griggs, Gordon, Helm, Hendry, Meeker, Odell, Rey-  
nolds, and Shallenberger—16.

*Those who voted in the negative were,*

Messrs. Adams, Brookshire, Brown, Butler, Combs, Cutshaw,  
Edsall, Gant, Glazebrook, Hall, Hawthorn, Horton, Hosbrook, Hum-  
phreys, Jackson of Madison, Jackson of Tipton, Kightley, Powell,  
Roberts, Robinson, Shields, Shook, Simpson, Slater, Spann, Sulli-  
van, Vandeventer, Williams, Wilson of Harrison, Wilson of Jay and  
Witherow—31.

So the amendment was not adopted.

Mr. Butler moved to recommit the bill to the committee on Banks  
with the following instructions:

To provide for registering the amount and safe keeping of bank  
bills surrendered to the auditor, how and in the presence of whom  
the same shall be destroyed. That no bonds or stocks shall be re-  
transferred until bills sufficient for the redemption have been depos-  
ited with the Auditor, and the amount thereof registered and certified  
by the officers making the transfer, except such as may be sold as  
required in said act, and to report the same back to-morrow morn-  
ing.

The question being on recommitting with the instructions,

The ayes and noes were demanded by Senators Butler and  
Witherow.

*Those who voted in the affirmative were,*

Messrs. Anthony, Barnett, Butler, Cox, Edwards, Gibson, Griggs,  
Gordon, Helm, Hendry, Horton, Hosbrook, Meeker, Odell, Rey-  
nolds, Robinson, Shallenberger, Simpson, Vandeventer, Williams,  
Wilson of Harrison, Wilson of Jay and Witherow—23.

*Those who voted in the negative were,*

Messrs. Adams, Barton, Black, Brookshire, Brown, Combs, Cuthshaw, Edsall, Gant, Glazebrook, Greathouse, Hall, Hawthorn, Humphreys, Jackson of Madison, Jackson of Tipton, Kightley, Powell, Roberts, Shields, Shook, Slater, Spann, and Sullivan—24.

So the bill was not recommitted.

Mr. Greathouse submitted the following amendment:

Amend by providing that in all cases of residents of three years standing, the Auditor shall issue 100 for each 105 dollars filed.

Which was not adopted.

Mr. Gibson moved to indefinitely postpone the bill;

Upon which,

The ayes and noes were demanded by Senators Adams and Humphreys.

*Those who voted in the affirmative were,*

Messrs. Barnett, Barton, Black, Butler, Edsall, Edwards, Gibson, Greathouse, Griggs, Gordon, Helm, Hendry, Meeker, Odell, Reynolds, Shallenberger, Simpson and Witherow—18.

*Those who voted in the negative were,*

Messrs. Adams, Anthony, Brookshire, Brown, Combs, Cox, Cuthshaw, Gant, Glazebrook, Hall, Hawthorn, Horton, Hosbrook, Humphreys, Jackson of Madison, Jackson of Tipton, Kightley, Powell, Roberts, Robinson, Shields, Shook, Slater, Spann, Sullivan, Vandeverter, Williams, Wilson of Harrison and Wilson of Jay—29.

So the bill was not indefinitely postponed.

Mr. Barnett submitted the following amendment:

SEC. —. No banking association formed under the law to which this is an amendment shall be permitted to transport said bank from point to point in the hat of the president or other officer connected with said association; But said president or other officer having charge of the funds of such institution, shall procure a safe patent leather sachel with a good and sufficient lock upon the same.

Mr. Humphreys moved to lay the amendment on the table.

Which was agreed to.

Mr. Gibson moved to amend the bill by striking out from the enacting clause and insert the following:

That section five of the act entitled "an act to authorize and regulate the business of general banking," approved May 28, 1852, be

amended to read as follows: Whenever any person or association of persons, formed for the purpose of banking under this act, shall legally transfer to the Auditor the stocks or bonds hereinafter specified, to an amount equal to the whole capital stock subscribed by such person or association of persons, such person or association of persons shall be entitled to receive from the Auditor of State an amount equal to one hundred dollars for every one hundred and twelve dollars and fifty cents of the stocks or bonds thus transferred, of such circulating notes of different denominations, registered and countersigned as aforesaid, to be issued by them, in the usual course of banking business as money.

SEC. 2. That section six of said act be amended to read as follows: Such stocks shall consist of any portion of the public debt now created by the United States, or by this State, and chargeable upon the State Treasury, or by the States of Ohio, Michigan, New York, Massachusetts, Tennessee and Kentucky, and chargeable upon their State treasuries respectively: *Provided*, such States continue to pay the interest on such public debt semi-annually, or at any less period; but such public debt shall in all cases be, or be made to be, equal to a stock producing six per cent. per annum; and the public debt of this State so deposited shall be receivable at its cash market value, but not exceeding its par value; and it shall not be lawful for the Auditor to take any stock of the said States, or of the United States, at a rate above its par value, nor above its market value: *Provided*, that whenever any State whose stock is pledged in whole or in part for the redemption of its circulation, shall fail or neglect to pay interest on such bonds or stocks semi-annually, or at any less period, then such person or association of persons shall be required to withdraw the said stocks of the State so failing to pay interest, and to substitute for the same such other stocks as fully complies with the requisitions of this section, or failing so to do, shall surrender to the Auditor of State an amount of its notes equal to the amount of stock so withdrawn; and if such person or association of persons shall neglect or refuse for the space of thirty days so to do, then and in that case it shall be the duty of the Auditor of State to wind up the bank of the said person or association of persons, as provided elsewhere in the said act.

SEC. 3. That section seven of said act be amended to read as follows: Such person or association of persons are hereby authorized, after having executed and signed such circulating notes in the manner required by law, to make them obligatory promissory notes, payable on demand, at their place of business in the city, town or village within this State, being the same place as set forth under the second specification of section eighteen of the aforesaid act, to loan and circulate the same as money within this State, according to the ordinary course of banking business, as regulated by the laws and usages of this State.

SEC. 4. That section 13 of said act be amended to read as fol-

lows: Each bond or certificate of public stock to be deposited with the auditor by any such person or association, shall be countermarked by the same as follows, to-wit: transferred to the Auditor of State — day of —, 18—, by the president and cashier of the — bank at —, and attested by the Secretary and Treasurer of State, and all bonds or stocks so countersigned and filed with the Auditor, shall be held by him exclusively for the redemption of the bills or notes of such person or association put in circulation as money, until the same are paid, and shall in no case be held for the benefit of any depositor or other person having business with such individual banker or banking association, until after the issue of said bank is redeemed, and all transfer or change of any bond or stocks filed with the Auditor shall be marked on the same, showing to whom and for what purpose the change was made: and all expenses necessary to the countersigning, transferring or retransferring as above, shall be paid by the banker or association filing the same at the time such service is rendered. And all bonds or stocks certified as aforesaid shall be wrapped in an envelope, sealed, marked with the number and amount of said bonds, by what bank deposited, and safely keep the same. And it shall further be the duty of each banker or association, to keep a list of the bonds countersigned and filed as above, which shall be certified by the Auditor, and published by the banker or association two weeks successively, after the date of said certificate, and quarterly thereafter, in two weekly papers published in Indianapolis, having the greatest circulation; and such banker or banking association shall keep of the same posted up in plain view in their banking-house at all times, and in default thereof, shall be dealt with as for violation of the law regulating such banking.

Sec. 5. That section 16 of the said act be amended to read as follows: It shall not be lawful for the auditor or other officer, to countersign bills or notes for any person or association of persons to an amount, in the aggregate, exceeding the rate of one hundred dollars for every one hundred and twelve dollars and fifty cents of the public stocks at their value, as provided in the second section of this act, deposited with the Auditor by such person or association; and any Auditor or other officer who shall violate the provisions of this section, shall, upon conviction, be punished in such manner as the criminal laws of the State may direct.

Sec. 6. It shall not be lawful for the Auditor of State, or other officer, to countersign or deliver to any person or association, paper or bank notes, to be circulated as currency, until said person or association shall first file in the office of said Auditor a list of the directors of said banking institution (not less than five); all of whom shall be residents of the county where the association is located, and where the said notes or paper purports to be redeemed, and who shall be *bona fide* stockholders to the amount of not less than two thousand dollars, and an oath or affirmation that such persons are

directors and hold the foregoing amount of stock, shall be required of the president or cashier of such institution; which oath or affirmation the Auditor of State may, by virtue of this act, administer to the parties making such application; a proper record of which shall be kept in his office; and whenever the Auditor of State shall be satisfied that any association or banking institution established under the act to which this is an amendment, shall not continue to have a board of directors as provided herein, he shall close said banking institution; and whenever he shall become satisfied that any such banking institution does not loan her money at the place designated for the location of said bank, he shall close said bank, the same as if said bank had failed to redeem her notes.

SEC. 7. The auditor may countersign said bills by deputy to be by him appointed.

SEC. 8. The compensation to the Auditor of State for countersigning, registering or numbering such bills or notes under this act, or the act to which this is an amendment, shall be ten dollars for each thousand of said bills or notes, to be paid by such banker or banking association.

SEC. 9. All persons or associations of persons, heretofore organized, and which have commenced operations under the provisions of the act entitled an act to authorize and regulate the business of general banking approved May 28th, 1852, shall within sixty days after the passage of this act, comply with all the provisions of this act and in case any person or association shall neglect or refuse so to do within sixty days aforesaid, it shall be the duty of the Auditor of State to wind up the bank of the said person or association so failing or refusing in the manner provided by the said act approved May 28th, 1852, so far as the same may be applicable.

SEC. 10. As there are many applications now filed to organize banks under the aforesaid act of May 28th, 1852, an emergency exists for the immediate taking effect of this act. This act shall, therefore be in force from and after its passage and publication in the Daily Indiana State Sentinel and Daily Indiana State Journal.

The question being on the motion of Mr. Gibson,

The ayes and noes were demanded by Senators Gibson and Gordon.

*Those who voted in the affirmative were,*

Messrs. Barton, Black, Edsall, Edwards, Gibson, Greathouse, Griggs, Gordon, Hall, Hawthorn, Hendry, Odell, Shallenberger, Simpson, Sullivan, Vandeventer, and Witherow—17.

*Those who voted in the negative were,*

Messrs. Adams, Anthony, Barnett, Brookshire, Brown, Butler,

Combs, Cox, Cutshaw, Gant, Glazebrook, Helm, Horton, Hosbrook, Humphreys, Jackson of Madison, Jackson of Tipton, Kightley, Meeker, Powell, Reynolds, Roberts, Robinson, Shields, Shook, Slater, Spann, Williams, Wilson of Harrison and Wilson of Jay—30.

So the motion did not prevail.

Mr. Edwards moved to recommit the bill to the committee on Banks with the following instructions:

To report a bill for the entire repeal of the free bank law.

Mr. Humphreys moved the previous question,

Which was not seconded by the Senate.

Mr. Adams moved to lay the amendment of Mr. Edwards on the table.

The ayes and noes being demanded by Senators Edwards and Gordon.

*Those who voted in the affirmative were,*

Messrs. Adams, Anthony, Black, Brookshire, Brown, Combs, Edsall, Gant, Glazebrook, Hall, Hawthorn, Horton, Hosbrook, Humphreys, Jackson of Madison, Jackson of Tipton, Kightley, Meeker, Odell, Powell, Reynolds, Roberts, Shields, Slater, Spann, and Sullivan—27.

*Those who voted in the negative were,*

Messrs. Barnett, Barton, Butler, Cox, Cutshaw, Edwards, Gibson, Greathouse, Griggs, Gordon, Helm, Hendry, Robinson, Shallenberger, Simpson, Vandeventer, Williams, Wilson of Harrison, Wilson of Jay, and Witherow—20.

So the motion prevailed.

Mr. Humphreys moved the previous question;

Which was not seconded by the Senate.

The question being on ordering the bill to a third reading,

Pending which,

Mr. Meeker moved that the Senate adjourn;

The ayes and noes being demanded by five Senators,

*Those who voted in the affirmative were,*

Messrs. Anthony, Barnett, Barton, Black, Butler, Combs, Cox, Edsall, Edwards, Gibson, Greathouse, Griggs, Gordon, Hall, Hawthorn, Helm, Jackson of Tipton, Kightley, Meeker, Odell, Reynolds, Robinson, Shallenberger, Simpson, Sullivan, Williams, Wilson of Harrison, Wilson of Jay and Witherow—29.

*Those who voted in the negative were,*

Messrs. Adams, Brookshire, Brown Cutshaw, Gant, Glazebrook, Hendry, Horton, Hosbrook, Humphreys, Jackson of Madison, Powell, Roberts, Shields, Shook, Slater, Spann, and Vandeventer—18.

So the Senate adjourned.

2 o'clock, P. M.

The Senate assembled.

And resumed the consideration of House bill No. 110, relative to the business of free banking.

Mr. Humphreys moved to amend the 14th section as follows:

"That the Auditor shall have one dollar for registering and countersigning each one hundred notes."

Which was agreed to.

On motion by Mr. Humphreys,  
The 36th section was stricken out.

Mr. Gibson moved to amend section 14, by striking out all after the word "purpose" in the 18th line.

Which was agreed to.

Mr. Gibson moved to strike from the 5th, 16th and 38th sections all relating to United States stock.

Which was agreed to.

On motion by Mr. Gibson,  
The bill was laid on the table.

On motion by Mr. Edwards,  
Leave of absence was granted Mr. Anthony from and after 12 o'clock to-morrow.

#### ORDERS OF THE DAY.

##### *House bills on second reading.*

No. 191. A bill supplemental to an act entitled "an act for the incorporation of towns, defining their powers, providing for the election of the officers and declaring their duties," approved June 11, 1852.

Was read the second time and ordered to a third reading.

No. 200. A bill supplemental to an act entitled "an act for the more uniform mode of doing township business."

Was read the second time and ordered to a third reading.

No 169. A bill supplemental to an act entitled "an act to regulate the sale of swamp lands, &c.

Was read the second time; and,

On motion by Mr. Jackson of Tipton,  
Referred to the committee on Swamp Lands.

No. 208. A bill to prevent railroad companies from changing their depots, except on certain conditions therein named.

Was read the second time; and,

On motion by Mr. Gibson,  
Referred to a select committee of five.

Senators Gibson, Slater, Jackson of Madison, Shields and Humphreys, were appointed said committee.

No. 174. A bill to provide that the stocks of companies, corporations and bodies politic organized under the laws of this State, whose principal office or president is within this State, shall not be listed by persons holding the same for taxation against them in their individual capacity.

Was read the second time and ordered to a third reading.

No. 170. A bill to provide for the conveyance of donation lands adjoining the town of Indianapolis, in cases where the holder of the certificate of purchase therefor is deceased.

Was read the second time; and,

On motion by Mr. Hosbrook,  
Referred to a select committee of three.

Senators Hosbrook, Horton and Edsall, were appointed said committee.

#### SENATE BILLS ON THIRD READING.

No. 137. A bill prescribing the manner of reporting to the General assembly by the Superintendent of the Hospital for the Insane, the Institute for the Education of the Blind, and the Asylum for the Deaf and Dumb.

Was read a third time.

The question being on the passage of the bill;

*Those who voted in the affirmative were,*

Messrs. Adams, Anthony, Barnett, Barton, Black, Brookshire, Brown, Butler, Cox, Combs Cutshaw, Edwards, Gant, Gibson, Glazebrook, Greathouse, Griggs, Gordon, Hall, Hawthorn, Helm, Hendry, Horton, Hosbrook, Humphreys, Jackson of Madison, Jackson of Tipton, Kightley, Meeker, Odell, Powell, Robinson, Shallenberger, Shook, Simpson, Sullivan, Vandeventer, Williams, Wilson of Harrison, Wilson of Jay, and Witherow—42.

No Senator voted in the negative.

So the bill passed.

Ordered that the Secretary inform the House thereof.

No. 119. A bill to prohibit clerks and their deputies of the Supreme court, circuit courts, and of the courts of common pleas, within this State, from practicing law within this State.

Was read a third time.

The question being on the passage of the bill,

*Those who voted in the affirmative were,*

Messrs. Anthony, Barnett, Barton, Combs, Cox, Gant, Gibson, Glazebrook, Greathouse, Hall, Hawthorn, Helm, Hendry, Hosbrook, Humphreys, Jackson of Madison, Meeker, Powell, Shields, Shook, Slater, Spann, Sullivan, Vandeventer, and Wilson of Harrison—25.

*Those who voted in the negative were,*

Messrs. Adams, Black, Brookshire, Butler, Cutshaw, Edsall, Edwards, Griggs, Gordon, Horton, Jackson of Tipton, Kightley, Reynolds, Robinson, Shallenberger, Simpson, Williams, Wilson of Jay, and Witherow—19.

So the bill did not pass, there not being a constitutional majority therefor.

Mr. Cox made the following report from the committee on Enrolled Bills:

MR. PRESIDENT:

The committee on Enrolled Bills have compared the enrolled with the engrossed copy of bill No. 83, a bill to authorize judges of the circuit courts, and courts of common pleas, to appoint master commissioners, and defining the duties and fixing the compensation of such master commissioners to perform certain duties in relation to the refunding of taxes wrongfully assessed and collected.

Also, Bill No. 67, a bill to authorize justices of the peace to issue subpoenas for witnesses in adjoining counties and fixing their fees.

Also, Bill No. 89, a bill to amend an act entitled "an act for the incorporation of cities," approved June 18, 1852.

Also, Bill No. 72, a bill to amend the 17th section of act entitled "an act prescribing who may make a will and the effect thereof, what may be devised, and regulating the revocation, admission to probate and contest thereof."

Also, Bill No. 92, a bill to authorize and require clerks of the court of common pleas in all cases where the proper record books, have not been provided in time for the January term of said court for the year 1853, to transcribe from the original records into the new record books when provided, and to legalize the same.

Also, Bill No. 61, a bill to change the time of holding circuit courts in the second judicial circuit ;

And find the same correctly enrolled.

The following message was received from the House of Representatives, by Mr. Bowes, their Clerk :

**MR. PRESIDENT :**

I am directed by the House of Representatives to inform the Senate that the Speaker has signed the following enrolled bills of the House :

No. 109. An act to amend an act entitled "an act to incorporate the Cannelton Steam Mill and Manufacturing Company," approved February 16, 1848, changed to the name of Troy Manufacturing Company, by an act approved January 15, 1849, to enable said company to increase its capital stock to two hundred thousand dollars, and to hold real estate to the amount of fifty thousand dollars, and to manufacture cotton.

No. 99. An act supplemental to an act entitled "an act for the relief of certain persons therein named," approved February 16, 1848.

No. 154. An act to amend the 14th section of an act entitled an "act act providing for the incorporation of bridge companies," approved March 9, 1852.

No. 150. An act to amend an act entitled "an act authorizing recorders to make out complete or general indexes to records of deeds and mortgages, and to procure and use seals," approved February 16, 1852.

No. 157. An act in relation to the reservoirs in the counties of Gibson and Clay ;

Which I am directed to bring to the Senate for the signature of the President thereof.

Whereupon the President affixed his signature thereto.

On motion by Mr. Gibson,

The bill relative to free banking was taken from the table.

When,

Mr. Gibson submitted the following amendments .

Amend the eighth section, 16th line, by inserting after the words "pay the same," the words "by causing such notice to be left at the banking house of such bank if any there be, or if no such banking house exist, or if closed, such notice may be given by publication in some weekly newspaper of the State."

Amend the 24th section, 4th line, by inserting after the word "thereof," the words, "and process therein may be served by leaving a copy at the place of business of such bank."

Amend the 37th section by adding, "*Provided however*, That Indiana bonds may be transferred to the Auditor in the manner prescribed by law."

Add to 8th section the following proviso:

*Provided*, That no notes shall be protested after the publication by the Auditor for three days, said notice that he will redeem said notes, unless said bank shall again resume the redemption of her notes and again fail to redeem the same.

Which were adopted.

Mr. Barnett submitted the following amendment:

Amend section 5, by adding the following proviso:

*Provided*, Resident banks shall be permitted to issue one dollar for every dollar and six cents deposited with the Auditor.

Which was not agreed to.

Mr. Humphreys moved to reconsider the vote striking out section 41.

Which was agreed to, and the amendment laid on the table.

The bill was then read the third time.

The question being on the passage of the bill,

*Those who voted in the affirmative were,*

Messrs. Adams, Anthony, Barton, Black, Brookshire, Brown, Combs, Cutshaw, Edsall, Gant, Gibson, Glazebrook, Greathouse, Gordon, Hall, Hawthorn, Horton, Hosbrook, Humphreys, Jackson of Madison, Jackson of Tipton, Kightley, Powell, Robinson, Shallenberger, Shields, Shook, Slater, Spann, Sullivan, and Wilson of Jay—32.

*Those who voted in the negative were,*

Messrs. Barnett, Butler, Edwards, Griggs, Helm, Hendry, Meeker, Odell, Simpson, Williams, Wilson of Harrison, and Witherow—12.

So the bill passed.

Ordered that the Secretary inform the House thereof.

No. 166. A bill to regulate the taking of appeals from the court of common pleas;

Was read the third time.

The question then being on the passage of the bill,

*Those who voted in the affirmative were,*

Messrs. Adams, Anthony, Barnett, Barton, Black, Brookshire, Brown, Butler, Combs, Cox, Cutshaw, Edsall, Edwards, Gant, Gibson, Glazebrook, Greathouse, Griggs, Gordon, Hall, Hawthorn, Helm, Hendry, Horton, Hosbrook, Jackson of Tipton, Kightley, Meeker, Odell, Powell, Robinson, Shallenberger, Shook, Simpson, Slater, Spann, Sullivan, Vandeventer, Williams, Wilson of Harrison, Wilson of Jay, and Witherow—42.

No Senator voted in the negative.

So the bill passed.

Ordered that the Secretary inform the House thereof.

No. 171. A bill supplemental to an act entitled "an act concerning real property and the alienation thereof," approved May 6, 1852, and providing for the sale and conveyance of the interests of an insane wife in the lands of her husband ;

Was read the third time.

The question being on the passage of the bill,

*Those who voted in the affirmative were,*

Messrs. Adams, Anthony, Barnett, Black, Brookshire, Brown, Butler, Combs, Cox, Cutshaw, Edsall, Gibson, Glazebrook, Greathouse, Griggs, Hall, Hawthorn, Hendry, Horton, Hosbrook, Jackson of Madison, Jackson of Tipton, Kightley, Meeker, Odell, Powell, Robinson, Shallenberger, Shields, Shook, Simpson, Slater, Spann, Sullivan, Vandeventer, Williams, Wilson of Harrison, Wilson of Jay, and Witherow—39.

Messrs. Gant and Gibson voted in the negative—2.

So the bill passed.

Ordered that the Secretary inform the House thereof.

No. 181. A bill to consolidate the laws in relation to highways, as also the election and duties of supervisors of the same in pamphlet form ;

Was read a third time.

The question being on the passage of the bill,

*Those who voted in the affirmative were,*

Messrs. Adams, Anthony, Barnett, Black, Brookshire, Brown,

Butler, Combs, Cox, Cutshaw, Edsall, Edwards, Gant, Gibson, Glazebrook, Greathouse, Griggs, Hall, Hawthorn, Hendry, Horton, Hosbrook, Jackson of Tipton, Kightley, Meeker, Odell, Powell, Robinson, Shellenberger, Shields, Shook, Simpson, Slater, Spann, Sullivan, Vandeventer, Williams, Wilson of Harrison, Wilson of Jay and Witherow—40.

No Senator voted in the negative.

So the bill passed.

Ordered that the Secretary inform the House thereof.

No. 175. A bill to provide for the postponement of the Marion circuit court during a part of the session of the supreme court,

Was read a third time.

The question being on the passage of the bill,

*Those who voted in the affirmative were,*

Messrs. Adams, Anthony, Barnett, Black, Brookshire, Brown, Butler, Combs, Cox, Cutshaw, Gant, Gibson, Glazebrook, Greathouse, Griggs, Gordon, Hall, Hawthorn, Horton, Hosbrook, Humphreys, Jackson of Tipton, Kightley, Meeker, Odell, Powell, Reynolds, Robinson, Shallenberger, Shields, Shook, Simpson, Slater, Spann, Sullivan, Vandeventer, Williams, Wilson of Harrison, Wilson of Jay and Witherow—39.

No Senator voted in the negative.

So the bill passed.

Ordered that the Secretary inform the House thereof.

No. 164. A bill to repeal an act entitled "an act to amend the charter of the Evansville and Illinois Railroad Company," approved February 8, 1851,

Was read the third time; when,

On motion by Mr. Sullivan,

The bill was laid on the table.

No. 182. A bill requiring draw bridge companies to keep lights at night,

Was read a third time.

The question then being on the passage of the bill,

*Those who voted in the affirmative were,*

Messrs. Adams, Anthony, Barnett, Black, Brookshire, Brown, Butler, Combs, Cox, Cutshaw, Edwards, Gant, Gibson, Glazebrook, Greathouse, Griggs, Gordon, Hall, Hawthorn, Helm, Horton, Hosbrook, Humphreys, Jackson of Tipton, Kightley, Meeker, Odell, Powell, Reynolds, Robinson, Shook, Simpson, Sater, Sullivan, Williams, Wilson of Harrison, Wilson of Jay and Witherow—38.

No Senator voted in the negative.

So the bill passed.

Ordered that the Secretary inform the House thereof.

No. 202. A bill to amend section one of an act entitled "an act for the incorporation of manufacturing and mining companies for mechanical, chemical and building purposes," approved May 20, 1852,

Was read a third time.

The question being on the passage of the bill.

*Those who voted in the affirmative were,*

Messrs. Adams, Anthony, Barnett, Black, Brown, Butler, Combs, Cox, Cutshaw, Gant, Gibson, Glazebrook, Greathouse, Griggs, Gordon, Hall, Hawthorn, Helm, Horton, Hosbrook, Humphreys, Jackson of Tipton, Kightley, Meeker, Odell, Powell, Robinson, Shields, Shook, Simpson, Slater, Sullivan, Williams, Wilson of Harrison, Wilson of Jay, and Witherow—36.

Messrs. Brookshire and Spann voted in the negative.

So the bill passed.

Ordered that the Secretary inform the House thereof.

The President laid before the Senate the following communication from the Doorkeeper:

MR. PRESIDENT:

In compliance with a resolution of the Senate offered by the Senator from Pike, to report to the Senate the number, names of doorkeepers, and the amount due said doorkeepers, I submit the following report:

Wm. H. Buford, Principal Doorkeeper.....	61 days.
John Boyd, Assistant " .....	61 "
Charles White, Assistant " .....	61 "
Christopher C. Jaqueth, Ass't " .....	61 "
Wm. B. Taylor, Assistant " .....	61 "
Henry Bigler.....	5 "

WILLIAM H. BUFORD,  
*Doorkeeper of the Senate.*

Which was,

On motion by Mr. Sullivan,

Laid on the table.

The following message was received from the House of Representatives by Mr. Bowes, their Clerk:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House has passed the following engrossed bill of the Senate:

No. 118. An act authorizing the Governor to contract for the erection of an additional number of cells at the penitentiary, and for making certain improvements upon the grounds thereof:

Without amendment.

Also, the following message was received from the House of Representatives by Mr. Bowes their Clerk:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House has passed the following engrossed bill of the Senate:

No. 111. A bill providing for the colonization of free negroes, making appropriations therefor, and establishing a colonization agency;

Without amendment.

The following message from the House of Representatives was taken up:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House has passed the following engrossed bills of the Senate, to-wit:

Bill No. 20. A bill to amend sections 20, 24 and 31 and 32 of an act entitled an act to provide for the opening, vacation and change of highways, approved June 17, 1852.

Bill No. 75. A bill to authorize county treasurers to sell delinquent lands in certain cases, to the highest bidder,

With sundry engrossed amendments thereto.

In which the concurrence of the Senate is respectfully requested.

On motion by Mr. Meeker,

The engrossed amendments of the House to Senate bill No. 20 contained in the message were concurred in.

On motion by Mr. Anthony,

The engrossed amendments of the House, to Senate bill No. 75 contained in the message were concurred in.

Also, the following message from the House of Representatives was taken up:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House have passed the following engrossed bills thereof:

Bill No. 176. An act to prevent the adulteration and the counterfeiting of ardent spirits and frauds therein.

Bill No. 207. An act to amend the charter of the Evansville and Illinois railroad company.

Bill No. 183. A bill in relation to the construction of bridges on certain navigable streams, and prescribing the penalty for violation of the provisions herein set forth.

Bill No. 213. A bill to authorize the Governor to exchange the revised statutes, laws, documentary journals and reports of the Supreme courts of this State with those of the other States of the Union.

Bill No. 214. A bill for the distribution of the census reports of 1840 and 1850 to the counties.

Bill No. 217. A bill regulating the laws in force local to Fulton county giving exclusive jurisdiction to justices of the peace over misdemeanors, and extending over said county, the laws relating to the jurisdiction and punishment of such misdemeanors as contained in the revised statutes of 1852.

Bill No. 221. An act changing the time of holding courts in the 5th judicial circuit.

Bill No. 222. An act to amend the charter of the Lawrenceburgh and Upper Mississippi railroad company.

In which the concurrence of the Senate is respectfully requested.

Bills Nos. 176, 207, 183, 213, 214, 217, 221, and 222, contained in the foregoing message, were severally read the first time and ordered to a second reading.

The following message was received from the House of Representatives by Mr. Bowes their clerk:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House has concurred in the engrossed amendments of the Senate to the following engrossed bills of the House:

No. 126. A bill authorizing corporations formed in pursuance of an act entitled "an act to provide for the incorporation of railroad companies," approved May 11, 1852, to file in the office of the Secretary of State a certified copy of their articles of association, and

legalizing the action of such corporations in that respect where such copy has been heretofore so filed in lieu of the original articles, and prescribing the effect of such copy.

No. 55. An act to amend an act entitled "an act for the government of the Indiana Hospital for the Insane," approved June 15, 1852.

No. 160. An act to amend section 4 and section 6 of an act entitled "an act prescribing the powers and duties of coroners," approved May 27, 1852.

No. 179. An act in regard to criminal prosecutions against the Trustees of the Wabash and Erie canal.

No. 142. A bill to regulate the retailing of spirituous liquors, and for the suppression of evils arising therefrom.

Also, the following message was received from the House of Representatives by Mr. Bowes, their Clerk:

MR. PRESIDENT:

I am directed by the House of Representatives to return to the Senate at the request of the Senate, the resolution of concurrence adopted by the Senate providing for a select joint committee to investigate certain matters relative to the deficiency of the bonds of the State heretofore redeemed, but supposed not to have been cancelled or destroyed.

On motion by Mr. Gibson,

The vote adopting the resolution authorizing the appointment of a committee of two on the part of the Senate, and three on the part of the House, to examine into the alleged deficit in the amount of bonds returned by the Agent of State, was reconsidered.

Mr. Gibson submitted the following amendment:

After the word "treasury," insert: "Said committee shall hold its sessions at no other place than Indianapolis, and shall be entitled to make no charge for personal expenses."

Strike out two and insert one on the part of the Senate.

Strike out three and insert two on the part of the House.

On motion by Mr. Gibson,

The resolution was laid on the table.

On motion by Mr. Cox,

Leave of absence was granted Mr. Hendry from and after to-morrow noon.

Mr. Anthony submitted the following resolution:

*Resolved*, That the President of the Senate be instructed to certify the account of Senator Robinson for the full term of 61 days, he having been detained from his seat by sickness.

Which was adopted.

Mr. Humphreys moved to reconsider the vote on indefinitely postponing House bill

No. 82. A bill to regulate the permission of foreign insurance companies to establish agencies within this State;

Which was agreed to, the bill read a second time and ordered to a third reading.

The President laid before the Senate the following communication from the Agent of State:

INDIANAPOLIS, IND., }  
MARCH 2, 1853. }

HON. A. P. WILLARD,

*President of the Senate:*

Please lay before the Senate over which you preside, the enclosed report.

Yours respectfully,

A. MAY,  
*Agent of State.*

Which report was,

On motion by Mr. Humphreys,

Laid on the table, and 500 copies ordered to be printed.

On motion by Mr. Jackson of Tipton,

*Resolved*, That the Judiciary committee are hereby instructed to make a report in conformity with a resolution referred to them in regard to clerks of courts holding the office of auditor, where they were elected before the adoption of the new constitution.

Mr. Gibson moved to take up Senate bill

No. 93. A bill directing satisfaction to be entered of a certain decree therein named;

Which did not pass on the 26th of February for the want of a constitutional majority therefor.

The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Adams, Anthony, Black, Combs, Cutshaw, Edsall, Gibson, Greathouse, Griggs, Gordon, Horton, Hosbrook, Humphreys, Jackson of Madison, Odell, Reynolds, Slater, Wilson of Harrison, and Witherow—19.

*Those who voted in the negative were,*

Messrs. Barnett, Brookshire, Butler, Cox, Gant, Glazebrook, Hawthorn, Hendry, Jackson of Tipton, Kightley, Powell, Robinson, Shallenberger, Shields, Shook, Simpson, Vandeventer, Williams, and Wilson of Jay—19.

So the bill did not pass, there not being a constitutional majority therefor.

The following message was received from the House of Representatives, by Mr. Bowes, their Clerk.

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the Speaker has signed the following bills of the Senate:

No. 61. A bill to change the time of holding circuit courts in in the second judicial circuit.

No. 67. A bill to authorize justices of the peace to issue subpoenas for witnesses to adjoining counties, and fixing their fees.

No. 72. A bill to require county commissioners to perform certain duties in relation to the refunding of taxes wrongfully assessed and collected.

No. 73. A bill to amend the 17th section of an act entitled "an act prescribing who may make a will, and the effect thereof, what may be devised, regulating the revocation, admission to probate and contest thereof.

No. 83. A bill authorizing judges of the circuit courts and courts of common pleas to appoint master commissioners, and defining their duties and compensation.

No. 89. A bill to amend an act entitled "an act for the incorporation of cities," approved June 18, 1852.

No. 92. A bill to authorize and require clerks of the court of common pleas, in cases where the proper record books have not been provided in time for the January term of said court for the year 1853, to transcribe from the original records into the new record when provided, and to legalize the same.

On motion by Mr. Humphreys,  
The Senate adjourned.

THURSDAY MORNING, 9 o'clock, }  
 March 3rd, 1853. }

The Senate assembled.

On motion by Mr. Humphreys,  
 The reading of the journal was dispensed with.

Mr. Greathouse, chairman of the committee on Federal Relations, made the following report :

MR. PRESIDENT :

The committee to whom was referred that portion of the message of his excellency, the Governor, which relates to the death of the Hon. James Whitcomb, Henry Clay and Daniel Webster, late Senators in the Congress of the United States, have had the same under advisement, and deem it highly proper and becoming to submit the following report in relation thereto, which they ask may be spread upon the journals, as an humble testimony of their esteem for the eminent public services and exalted merits of the illustrious dead.

The death of an eminent and patriotic public man is always a real loss to a nation; and, as such, is regarded with sincere regret and sorrow by a wise and generous people, to whose well being and happiness his life has been devoted. In times of national embarrassment and danger—such a loss is a real calamity, always increasing the embarrassment and augmenting the danger, and sometimes becoming the precursor of national downfall and ruin. But fortunately for our Republic, and fortunately for the venerated and immortal dead, whom we mourn, they were permitted to conclude their earthly labors in a time of profound national tranquility. Peace was an atmosphere around their beloved country when they were called from their toils and sorrows here, to their everlasting rewards. For their country the most ardent patriotism could have desired nothing better; for themselves the measure of their fame was full—ambition would have been ashamed to have asked for more. Each of this glorious trio, had filled the measure of a man; had written his title to a nation's gratitude by long and ardent services; and in the productions of his mind builded a monument to his own fame more enduring, and far more glorious, than columns of brass or marble.

Indiana will never cease to remember her Whitcomb. To him she is more profoundly indebted than to any other one of her statesmen. To her he devoted the best years of his manhood, wearing himself out in her service, that she might become, what we now behold her—an object worthy of the admiration and devotion of the purest and loftiest patriotism. Although he had served her in posi-

tions of minor importance, it was not until called to the highest position in the gift of her people, that his great resources and profound abilities as a statesman shone out in all their lustre. Every act of his, as Governor of Indiana, indicates an exalted patriotism guided by the enlarged and liberal views of a consummate statesman. He found the State overwhelmed with debt; confidence, public and private, greatly impaired and tottering to its fall; the industry of the people paralyzed; and the dark cloud of repudiation skirting our horizon and threatening to burst upon us, and add the still greater loss of character to all our other calamities. He found our treasury empty, our creditors eager and importunate, while croakers at home and abroad were loud in their predictions of our financial ruin and disgrace. He did not, however, shrink from meeting and grappling with these accumulated evils, immediate and prospective; but confident of the justice of his intentions, the resources of his own mind, and the willingness of the freemen of Indiana to aid him in his endeavors to disenthral her from her critical and perilous condition, he immediately adopted a course of policy tending to a consummation "so devoutly to be wished." This policy he firmly pursued, although he was met at every step by objections honest and dishonest, of which every sensible man has long since been ashamed, and which even their authors would not now acknowledge as their own. At each step his path became clearer, his footing firmer, and the result more and more manifest, until, at last, all fear of failure vanished. Our indebtedness ceased to be our master and became our servant; credit and confidence were restored; industry and enterprise awoke to new effort; and the cloud of repudiation gave place to the light of prosperity and hope. So rapidly were these changes effected, that complete success was no longer doubtful at the end of his first term; and he was able to contrast, with exultation and delight, the condition of the State at the time of his second inauguration, with what it had been three years before. On that occasion, he says: "But if the condition and prospects of the people individually were gloomy, what shall be said of those of the State? Need I go into a calculation of the millions of liability—of the Alpine height of that debt, resting, like an incubus upon the State, and threatening to crush her vital energies under its ponderous load?"

Our best citizens despairing of extrication from the shackles of debt, were sacrificing their homes, and removing beyond the limits of the State, while capital and industry avoided our blighted shores in their onward tide to the west.

How many of our citizens believed—nay, was there one who believed, that the full and entire amount of our public debt, would ever be paid? How many thought that we should ever be able to plunge to the full depth of our liability, and "pluck up drowned honor by the locks."

What is now the condition of the great mass of our fellow citi-

zens? Let it answer for itself. It is true, it is not all that could be desired, but its perceptible improvement teaches us, that the only reliable means of reaching that full degree of prosperity to which, under Providence, we may hopefully aspire, is the systematic adherence to those maxims of industry and frugality by the people—to that strict economy by the State government, and to that abstinence from schemes of visionary wealth on the part of both, by the observance of which, our altered condition for the better has been mainly produced.”

During his second term the progress of the State in all the elements of prosperity was still more rapid. He was not permitted to serve out this term, being called to the Senate of the United States by the Representatives of a grateful people. But he had already presided over the destinies of Indiana long enough to teach her people the true principles of *their* government, and give them practical illustration of the soundness of *his* policy. This was all that was necessary to her prosperity, and since then her course has been onward.

But the wisdom and uprightness of his State policy is not the only, nor even the strongest title which he won to the gratitude of the people of Indiana. In his masterly elucidation of the doctrines of free-trade, and his exposition of the operation of the protective policy, will be found when the passions that now render these subjects obscure shall have subsided, his most enduring renown. He first opened the eyes of the people of Indiana, to the unequal and unjust operations of *protection*. His “Facts for the People,” is the most perfect model of simplicity of style, plainness of illustration, and accurate and severe logic, that has been presented to Indiana on any subject, since she was admitted to the Union. It evinces profound thought; but its chief power lies in its perfect adaptation to men of all manner of capacity. Regarded as a mere work of logical analysis, it has seldom been exceeded in clearness and force; and whatever may be the views we entertain of its doctrines, their truthfulness should not be condemned until it is fairly answered, a labor which few have undertaken or will be likely hereafter to undertake.

Senator Whitcomb, however, had other merits than those of being an acute politician, and statesman of accurate information and enlarged views. He was also a scholar; more profound, indeed than showy; more useful than ornamental; but still a scholar of the most respectable attainments. He loved literature, and delighted in literary associations. He was the liberal patron of learning and learned men. Few private libraries are so well replenished with choice books, as was his; and few men have possessed themselves more largely of the rich stores of knowledge delivered to us by former times than he. His State papers and other writings show him to be a man of strong sense, large knowledge, and exact taste.

Few have written with more purity, force and beauty. Indeed, his greatest fault as a writer is, that his taste is too refined.

To the statesman, the patriot and scholar, he added the still higher and better character of Christian, being a devoted member of the Methodist Episcopal Church. During his residence at this capital, he acted regularly in the capacity of teacher to one of the Sabbath school classes of the church to which he belonged, and many a boy still remembers his instructions with gratitude. But it is useless to enumerate his services and his merits. It but aggravates the sense of our loss. The hearts of a grateful people will, however cherish the memory of both, as long as the fruits of his patriotism surround them. The remembrance of his virtues remains to us, and it is no mean inheritance. In the history of their great men, States have their noblest wealth, for as long as it is read and justly appreciated by the people, though dead, they are not lost, but renewed in all who are taught by their example to merit, and, through merit, to win the admiration and gratitude of succeeding generations. Thus our Whitcomb still lives in the noblest sense, and still serves by the light of his example to improve the people to whom he devoted his energies and life while among them. Should the hour of adversity return upon us, (which may Heaven avert!) upon his counsel we can still rely, for in the midst of doubt and perplexity, his voice will be heard, breathing confidence and hope; and urging us onward in the career of probity, honor, prosperity and greatness, which he so nobly taught us to follow. His memory will thus endure to all generations the pride and glory of the State, whose well being and happiness shall be his noblest and most enduring monument.

But Indiana is not alone in her grief. Two of her older sisters mourn over the recent graves of their peerless sons. Kentucky weeps the death of her idolized Clay; and Massachusetts pours the unavailing tear upon the tomb of her Webster. What shall we say of these, that has not been already said, and better said, than we may hope to repeat it? Their lives belonged to the whole Union, their death is its loss, and their imperishable fame its abiding glory. Their history the world knows by heart; and their exalted abilities and virtues have already won the homage of mankind. They may have erred in the details of national policy, but in their love of country, their labors for the Union, their desire to promote its just renown, the voice of impartial history will concede their merits, as we do now. They were Americans—the matured fruit of a free country and free institutions; and nobly did they render back to that country and those institutions the tribute of their hearts' devotion.

Kentucky, Massachusetts and Indiana mourn for their illustrious sons; but they mourn not alone. Throughout this mighty sisterhood of States, the voice of mourning is heard. The whole American people are united in tears for the dead, who lived and labored for the whole while living. In our sorrows therefore, there is hope:

for it is the tribute offered by a grateful nation to the best friends of that nation's union. It is Union itself; for it shows us, that as we are common mourners together for the illustrious dead, so are we bound together by all the glorious objects for which they labored in life. Let this lesson then be deduced from our affliction; and renewing *our* patriotism by the contemplation of *theirs*, may we like them be able at death, to commit our beloved country to posterity, enlarged, improved and still more firmly united.

Mr. Humphreys moved that the report be spread upon the Journal.

Which was agreed to.

The following message was received from his Excellency the Governor, by Mr. Tarkington, Executive messenger:

MR. PRESIDENT:

I am directed by the Governor to return to the Senate bill No. 53, a bill authorizing and regulating suits against the State, which originated in said body with his objections thereto.

*Gentlemen of the Senate:*

The bill of the Senate No. 53, entitled "a bill authorizing and regulating suits against the State," is herewith returned to the Senate with a statement of the reason which influenced me in withholding my signature from the bill.

The bill was evidently founded upon the 24th section of the 5th article of the constitution, which is as follows:

"Provision may be made by general law for bringing suits against the State upon all liabilities originating after the adoption of this constitution," yet the first section of the bill enacts "that all persons having any claim, demand, or cause of action against the State, may bring suit therefor in the Marion circuit court, and the same proceedings shall be had therein as if the suit was against an individual." The obvious import of this section is to authorize suits to be brought against the State upon liabilities which may have originated *before* as well as after the adoption of the present constitution; and as it is conceived that no other construction can be given to the section, I deem it to be plainly repugnant to the section of the constitution above recited. That section, by providing that a general law may be enacted authorizing suits to be brought against the State upon all liabilities originating *after* the adoption of the constitution, necessarily stripped the Legislature of all power to enact any law of a *general* nature authorizing suits to be brought against the State upon any liabilities which originated *before* the adoption of the con-

stitution, upon that well known maxim, "the expression of one thing is the exclusion of another."

If this rule of construction were not decisive, and if the meaning of the section of the constitution in question did not seem to be otherwise clear, still the mischief intended by the framers of the constitution to be remedied is so well known that it would, it is deemed, itself indicate the construction to be given to the section. That mischief was the constant annoyance and expense to which the State would be liable to be subjected, as it has been subjected by the prosecution of claims against it, connected with our internal improvement system. Those claims had been pressed by a series of years upon the attention of the Legislature, with all the ability and zeal which talent and ingenuity stimulated by interest could inspire. Those claims did not cease to be pressed by reason of lapse of time, nor did one defeat at all subdue the determination of a claimant to have his claim allowed; but such claims continued to be urged with greater energy and importunity, just in proportion to the evidence tending to explain the transaction seemed to have been lost. It is thought that the framers of the constitution intended, by the section quoted, to close the door at once to the prosecution of all such claims, and as none else, at least of any magnitude were known, the section was made to apply to all liabilities existing before its adoption.

The bill returned to you does not fix any period at which the liabilities upon which suits may be brought against the State shall have originated. It follows, therefore, that suits may be brought upon any liability of the State, real or imaginary, which may have arisen since the organization of the State government. No principle of law, it is thought, is better settled by the elementary law books, than that the statutes of limitation does not commence running against a claim until a remedy has been provided for a prosecution. The reason is, that no negligence can be imputed to the party whilst he had no opportunity to sue.

Private claimants almost always have an advantage over the State in the prosecution of suits against her. They act for themselves. They are quickened by the powerful motive of self interest. They know well what evidence to advance, and what to keep back. The State acts through agents; their duties are generally multifarious, and they are not apt to retain a vivid recollection of particular facts. Those agents are also frequently changed, and their duties are transferred to successors who know little or nothing of past transactions. The consequence is, they cannot usually resist with proper vigor and intelligence, the claims growing out of old transactions. If this bill, in its present form were to become a law, it would be well for us, if the judgments which would be obtained against the State during the present year upon alleged liabilities growing out of transactions completed before the adoption of the present constitution did not exceed the other expenses of the State for this year.

The bill returned to you also provides that nothing therein con-

tained shall authorize any suit to be instituted against the State on any bonds issued or to be issued by the State, either for the principal or interest thereon. Section 22 of article 4 of the constitution provides that the general Assembly shall not pass *local* or *special* laws in any of the following enumerated cases, (enumerating them.) Section 23 of the same article is as follows:

In all the cases enumerated in the preceding section, and in all other cases where a general law can be made applicable, all laws shall be general and of uniform operation throughout the State.

Two kinds of laws are prohibited by section 22, those that are local as to place and special as to persons. The word general in the 23d section, seems evidently to apply to both kind of laws mentioned in section 22. If then, section 22 prohibits a special law to be passed where a general law can be made applicable as the bill in question assumes that a general law can be made applicable, would not a law which authorizes certain creditors to sue the State but excludes others from the same privilege, be a special law, prohibited by the constitution? If it be said that a law can be made general, containing a special exception of this character, where is the exception to stop? What is to be the latitude in order to make the law general—and what its limit to make the law special? Section 24 of the same article of the constitution enacts that “no special law authorizing suit to be brought against the State shall ever be passed.” Inclining to regard the bill in question if enacted, a special act authorizing suit to be brought against the State, I have serious doubts on that ground of constitutionality.

The expediency of this measure may well be doubted. It is believed to be without a precedent in any State of the Union. The passage of this bill implies that the people and their representatives will not do justice to individuals who have been injured by the acts of the State in her sovereign capacity.

The idea is a novel one—that of asking of the General Assembly the right to sue the State, in all imaginary cases, in the Marion circuit court. It is the deliberate, expressed opinion of the Representatives of the people, that injustice has been, and will be done, of such a character, and of such magnitude, by their own acts, that they will not, or cannot, apply an appropriate remedy, or make a proper remuneration.

The General Assembly can surely provide by appropriations direct of the public of the public money, a fair compensation for all claims, of whatever character, that any citizen or corporation may have upon the State, and where can this power of making appropriations of the public money be so wisely and safely lodged as in the hands of the representatives of the people? They levy the taxes, they provide by law for raising the public money, consequently, there is a direct responsibility resting upon them. The ballot box and the taxing power are placed side by side, and true economy will always be secured by keeping them together—the farther they are separated, invariably

the more extravagance. A just claim has always a fair consideration in the Hall of the House of Representatives of the people, and the claimant generally receives a full compensation.

By this bill, a citizen of any portion of the State, or of the Union, presents a claim to the judge of the circuit court of the county of Marion, takes out his writ, serves it upon the executive, comes, with his witnesses, attorneys, and papers, a distance of from two to five hundred miles, and, if he recover, however small the sum, the State of Indiana must foot the bill, with all the costs, fees of attorneys for the State, &c.—all of which must be met by increased taxes upon the people.

We have, as a State, by our new constitution, most wisely escaped from the prosecution of public works. Such works invariably bring with them a host of claimants upon the General Assembly, asking for relief. In the last four or five years but few of such cases have been brought before the Legislature; and it is difficult to tell for what purpose this bill was intended, unless it is designed to go back and bring within its folds, and before the courts of the country, that long line of contracts and agreements which grew out of the internal improvement system of 1836, and to involve within its bounds every imaginable class of claims against the State, that has arisen since the organization of the State government. I hear of no claims, of any character, which have originated since the adoption of the present constitution, that have not been promptly paid, either by the operation of existing laws, or by the direct action of the General Assembly.

In all legislative bodies committees are appointed with a view to investigate the validity of claims against the State. Such committees are invested with power to send for persons and papers, and to examine witnesses under oath, &c. If applications become too numerous, in some instances committees are appointed to sit in vacation to investigate claims and make reports thereon—their action being always subject to the examination and revision of the representatives of the people. It is believed that no cases requiring such action exists in Indiana, and that since the organization of the State government, neither the General Assembly, nor committees constituted by it, have spent one day in a month of their sessions, in the investigation of claims upon the State.

This is one among the most important questions that have been the subject of legislative action at the present session. I regret that other duties have prevented me from giving the subject that attention which its magnitude demands. Believing, however, that this bill involves constitutional rights of the highest moment, and also questions affecting deeply the finances of the State, I cannot, under a sense of duty, do less than to ask a reconsideration of the subject by the representatives of the people.

Respectfully submitted,

March 3, 1853.

JOSEPH A. WRIGHT.

The message was then taken up, and the question being on the passage of the bill, the objections of the Governor to the contrary notwithstanding.

On motion by Mr. Reynolds,

A call of the Senate was ordered.

The Secretary proceeded to the call, when the following Senators answered to their names:

Messrs. Adams, Anthony, Barnett, Barton, Black, Brookshire, Brown, Butler, Combs, Cox, Cutshaw, Edsall, Edwards, Gant, Gibson, Glazebrook, Greathouse, Griggs, Gordon, Hall, Hawthorn, Helm, Hendry, Horton, Hosbrook, Humphreys, Jackson of Madison, Jackson of Tipton, Kightley, Meeker, Powell, Reynolds, Roberts, Robinson, Shallenberger, Shields, Shook, Simpson, Spann, Sullivan, Vandeventer, Williams, Wilson of Harrison, Wilson of Jay and Witherow—44.

On motion by Mr. Shook.

The further call was suspended.

The question being on the passage of the bill, the objections of the Governor to the contrary notwithstanding,

*Those who voted in the affirmative were,*

Messrs. Anthony, Barton, Black, Butler, Combs, Cox, Edwards, Gibson, Greathouse, Griggs, Gordon, Helm, Hendry, Hosbrook, Odell, Reynolds, Roberts, Robinson, Simpson, Sullivan, Vandeventer, Williams, Wilson of Harrison, Wilson of Jay and Witherow—25.

*Those who voted in the negative were,*

Messrs. Adams, Barnett, Brookshire, Brown, Cutshaw, Edsall, Gant, Glazebrook, Hall, Hawthorn, Horton, Humphreys, Jackson of Madison, Jackson of Tipton, Kightley, Meeker, Powell, Shallenberger, Shields, Shook and Spann—21.

So the bill did not pass for the want of a constitutional majority therefor.

Mr. Hosbrook made the following report from a select committee.

MR. PRESIDENT:

The select committee to whom was referred House bill 170, in relation to the donation lands adjoining the town of Indianapolis, have had the same under consideration, and have directed me to report the same back and recommend its passage.

The bill was read the third time.

The question being on the passage of the bill,

*Those who voted in the affirmative were,*

Messrs. Adams, Anthony, Barnett, Barton, Brookshire, Brown, Butler, Combs, Cox, Cutshaw, Edwards, Glazebrook, Greathouse, Griggs, Gordon, Hall, Hawthorn, Helm, Hendry, Horton, Hosbrook, Jackson of Madison, Jackson of Tipton, Kightley, Meeker, Odell, Powell, Roberts, Robinson, Shallenberger, Shook, Simpson, Vandeventer, Williams, Wilson of Harrison, Wilson of Jay, and Witherow—37.

Mr. Humphreys voted in the negative—1.

So the bill passed.

Ordered that the Secretary inform the House thereof.

Mr. Kightley submitted the following resolution:

*Resolved*, By the Senate, the House concurring, that the Superintendent of the insane hospital be directed to receive into said institution Mr. Johns of Johnson county, who is at this time insane, and whose friends are not able to take care of him.

Which was adopted.

The following message was received from the House of Representatives, by Mr. Bowes, their Clerk:

**MR. PRESIDENT:**

I am directed by the House of Representatives to inform the Senate that the House has passed the following engrossed bill of the Senate without amendment:

Bill No. 42. A bill to appoint J. W. Cummins an agent to proceed to Washington City, and procure the re-adjustment of the 3 per cent. fund and surplus revenue accounts of Indiana with the General Government, and procure the additional sum or sums of money that may accrue to the State thereby, placed to the credit of the State upon the books of the General Government, and also to provide his compensation therefor.

Also, the following message was received from the House of Representatives:

**MR. PRESIDENT:**

I am directed by the House of Representatives to inform the Senate that the House has passed the following engrossed bill of the Senate without amendment:

Bill No. 78. A act to amend section 95 of an act entitled "an act to provide for the settlement of decedents' estates, prescribing the rights, liabilities and duties of officers connected with the man-

agement thereof, and the heirs thereto, and certain forms to be used in such settlement," approved June 17, 1852.

Also, the following message was received from the House of Representatives :

MR. PRESIDENT :

I am directed by the House of Representatives to inform the Senate that the Speaker has signed the following bills which I am directed to return to the Senate :

No. 20. A bill to amend section 24 and 31, of an act entitled "an act to provide for the opening, vacating and change of highways," approved June 17, 1852.

No. 75. A bill to authorize county treasurers to sell delinquent lands in certain cases to the highest bidder.

No. 111. A bill providing for the cononization of free negroes, making appropriations therefor, and the establishment of a colonization agency.

No. 118. A bill authorizing the Governor to contract for the erection of an additional number of cells at the penitentiary, and for making certain improvement upon the grounds thereof:

The following message from the House of Representatives was taken up:

MR. PRESIDENT :

I am directed by the House of Representatives to inform the Senate that the House have passed the following engrossed bills thereof:

Bill No. 223. A bill making specific appropriations for the year 1853.

Bill No. 159. A bill giving common pleas courts concurrent jurisdiction with circuit courts in cases of complaint for bastardy and surety of the peace.

Bill No. 223. An act to raise a revenue for State purposes for the years 1853 and 1854.

No. 106. A bill giving validity to the alterations made, and omissions supplied in the Revised Statutes, and in the code of civil practice of 1852, by the persons superintending the publication of the same.

No. 224. A bill to explain an act entitled "an act authorizing railroad companies to consolidate their stock with the stock of railroad companies in this or in an adjoining State, and to connect their

roads with roads of said companies, and to authorize railroad companies to construct their roads on the routes which they may have heretofore surveyed and located, and to use and occupy the same when completed," approved February 23, 1853.

In which the concurrence of the Senate is respectfully requested.

No. 223, contained in the foregoing message, was read the first time.

Mr. Sullivan moved to suspend the rules and read the bill the second time now.

The question being on suspending the rules,

*Those who voted in the affirmative were,*

Messrs. Adams, Anthony, Barnett, Barton, Black, Brown, Butler, Combs, Cox, Cutshaw, Edsall, Edwards, Gant, Gibson, Glazebrook, Greathouse, Gordon, Hall, Hawthorn, Helm, Hendry, Horton, Hosbrook, Humphreys, Jackson of Madison, Jackson of Tipton, Kightley, Meeker, Odell, Powell, Reynolds, Roberts, Robinson, Shallenberger, Shields, Shook, Simpson, Spann, Sullivan, Vandeventer, Williams, Wilson of Jay, and Witherow—43.

No Senator voting in the negative.

So the rules were suspended.

The bill was read the second time by the title.

Mr. Odell offered the following amendment:

Add the following section:

SEC. —. That Benjamin Welsh be allowed the sum of sixty-one dollars as deputy surveyor in selecting swamp lands in Jasper county, which sum is ordered to be paid out of the proceeds of the sale of the swamp lands in said county of Jasper.

On motion by Mr. Sullivan,

The bill and amendment were referred to the committee on Finance.

Mr. Gibson made the following report from a select committee:

MR. PRESIDENT:

The select committee to whom was referred House bill No. 208, a bill to prevent railroad companies from changing their depots, except on certain conditions therein named, have had that subject under consideration, and have directed me to report said bill back and recommend its passage.

Which was concurred in by the Senate, and the bill read the third time.

Mr. Shields moved to recommit with the following instructions:

Amend by adding at the end of the proviso these words: "and erecting a depot for the reception of heavy freight, as near the

banks of said river in said town, at the terminus of said freight tracks, as the nature of the ground and location of the plat of such town will permit.

On motion by Mr. Gibson,

A call of the Senate was ordered.

The Secretary proceeded with the call, when the following Senators answered to their names:

Messrs. Adams, Anthony, Barnett, Barton, Black, Brown, Butler, Cox, Cutshaw, Edwards, Gant, Gibson, Glazebrook, Greathouse, Griggs, Gordon, Hall, Hawthorn, Helm, Horton, Hosbrook, Humphreys, Jackson of Madison, Jackson of Tipton, Kightley, Meeker, Odell, Powell, Reynolds, Roberts, Robinson, Shields, Shallenberger, Shook, Simpson, Spann, Sullivan, Vandeventer, Williams, Wilson of Harrison, Wilson of Jay, and Witherow—43.

On motion by Mr. Odell,

The further call was suspended.

The question being on recommitting,

The ayes and noes were demanded by Senators Shields and Brown.

*Those who voted in the affirmative were,*

Messrs. Barnett, Brown, Butler, Cox, Gant, Glazebrook, Helm, Hendry, Horton, Kightley, Meeker, Robinson, Shields, Spann, Vandeventer, Williams, and Wilson of Jay—17.

*Those who voted in the negative were,*

Messrs. Anthony, Black, Barton, Cutshaw, Edsall, Edwards, Gibson, Greathouse, Griggs, Gordon, Hall, Hawthorn, Hosbrook, Jackson of Madison, Jackson of Tipton, Odell, Powell, Reynolds, Roberts, Shallenberger, Shook, Simpson, Slater, Sullivan, Wilson of Harrison, and Witherow—27.

So the bill was not recommitted.

The question then recurred on the passage of the bill.

*Those who voted in the affirmative were,*

Messrs. Adams, Anthony, Barton, Black, Cutshaw, Edsall, Edwards, Gibson, Greathouse, Griggs, Gordon, Hall, Hawthorn, Hendry, Hosbrook, Jackson of Madison, Jackson of Tipton, Odell, Powell, Reynolds, Roberts, Shook, Simpson, Slater, Sullivan, and Wilson of Harrison—26.

*Those who voted in the negative were,*

Messrs. Barnett, Brown, Butler, Cox, Gant, Glazebrook, Helm, Horton, Kightley, Meeker, Robinson, Shallenberger, Shields, Spann, Vandeventer, Williams, Wilson of Jay and Witherow—18.

So the bill passed.

Ordered that the Secretary inform the House thereof.

Mr. Reynolds moved to reconsider the vote by which the Senate refused to pass Senate bill No. 53, the objections of the Governor to the contrary notwithstanding.

The question being on reconsidering,

The ayes and noes were demanded by Senators Adams and Humphreys.

*Those who voted in the affirmative were,*

Messrs. Barton, Black, Butler, Cox, Edwards, Gibson, Greathouse, Griggs, Gordon, Helm, Meeker, Odell, Powell, Reynolds, Roberts, Robinson, Simpson, Sullivan, Vandeventer, Williams, Wilson of Harrison, Wilson of Jay and Witherow—23.

*Those who voted in the negative were,*

Messrs. Adams, Barnett, Brown, Cutshaw, Edsall, Gant, Glazebrook, Hall, Hawthorn, Horton, Hosbrook, Humphreys, Jackson of Madison, Jackson of Tipton, Kightley, Shallenberger, Shields, Shook and Spann—19.

So the vote was reconsidered.

On motion by Mr. Gibson,

A call of the Senate was ordered.

The Secretary proceeded to the call, when the following Senators answered to their names:

Messrs. Adams, Barnett, Barton, Black, Brown, Butler, Cox, Cutshaw, Edsall, Edwards, Gant, Gibson, Glazebrook, Greathouse, Griggs, Gordon, Hall, Hawthorn, Helm, Horton, Hosbrook, Humphreys, Jackson of Madison, Jackson of Tipton, Kightley, Meeker, Odell, Powell, Reynolds, Roberts, Robinson, Shallenberger, Shields, Shook, Simpson, Slater, Spann, Sullivan, Vandeventer, Williams, Wilson of Harrison, Wilson of Jay, and Witherow—42.

Mr. Humphreys moved that the further call of the Senate be dispensed with.

Which was not agreed to.

Mr. Gibson moved that the doorkeeper be directed to close the doors and send for the absentees,

Mr. Spann moved that the Senate adjourn.

Which was not agreed to.

The question recurring on the motion of Mr. Gibson,

It was decided in the negative.

Mr. Shields moved that the further call of the Senate be dispensed with.

Pending which,

On motion by Mr. Gibson,

The Senate adjourned.

2 o'clock, P. M.

The Senate assembled.

And resumed the consideration of a call of the Senate, which was pending at the adjournment.

On motion by Mr. Shields,

The further call of the Senate was suspended.

Leave being granted,

Mr. Shields introduced the following bill:

No. 141. A bill to provide for the election of three commissioners to examine into the condition of the State Bonds, the accounts of the Agents of State, discrepancies between their accounts and those of State Auditors, and an over issue of scrip made by such Auditor or any other person, prescribing some of the duties of such commissioners and their compensation.

Which was read the first time; when

Mr. Shields moved to suspend the rules and read the bill a second time now.

The question being on suspending the rules.

*Those who voted in the affirmative were,*

Messrs. Adams, Anthony, Barnett, Barton, Black, Brookshire, Brown, Butler, Combs, Cox, Cutshaw, Edsall, Gant, Glazebrook, Greathouse, Griggs, Gordon, Hall, Hawthorn, Helm, Horton, Hosbrook, Humphreys, Jackson of Madison, Jackson of Tipton, Meeker, Powell, Reynolds, Robinson, Shallenberger, Shields, Shook, Simpson, Slater, Sullivan, Vandeventer, Williams, Wilson of Harrison and Wilson of Jay—40.

Messrs. Gibson and Witherow voted in the negative—2.

On motion by Mr. Barton,  
Leave of absence was granted Mr. Morrison on account of sickness.

So the rules were suspended and the bill read a second time, and ordered to be engrossed.

The following message was received from the House of Representatives by Mr. Bowes their clerk:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House has passed the following resolution, to-wit:

*Resolved*, That the Senate be invited to attend in the hall of this House instantler, for the purpose of electing Trustees for the Asylums of the Deaf and Dumb, and also of the Blind.

Which resolution was reciprocated by the Senate.

The Senate then repaired in a body, preceded by their President, to the hall of the House of Representatives and proceeded by a joint *viva voce* vote to the election of six Trustees for the Institution for the education of the Deaf and Dumb, and also of the Blind.

When the following ballot was had for six Trustees for the Institution for the Deaf and Dumb.

*Those who voted for James P. Drake on the part of the Senate were,*

Messrs. Adams, Anthony, Barnett, Barton, Black, Brookshire, Brown, Cox, Cutshaw, Gibson, Glazebrook, Greathouse, Gordon, Hall, Hawthorn, Horton, Humphreys, Jackson of Madison, Jackson of Tipton, Kightley, Reynolds, Shallenberger, Shields, Shook, Slater, Spann, Sullivan and Vandeventer.

*Those who voted for James P. Drake on the part of the House were,*

Messrs. Able, Brecount, Bridges, Brown, Buel, Bundy, Burnett, Catlin, Chapin, Clark, Cooper, Dodd, Donelson, Druley, Dufour, Dunlavey, Durham, Emery, Farnsley, Fleming, Gentry, Handy, Hicks, Howell, Jones of Boone, Jones of Jennings, Jones of Ripley, Lasselle, Lemmon, Lowe, Manville, McClure, McDonnall of Sullivan, McDonald of Lake, McKee, McKinney, Moss, Parker, Price, Read, Richardson, Rockafellar, Seawright, Shoemaker, Simpson, Stackhouse, Steele, Stephens, Stockwell, Struble, Tanner, Thomas, Turpie, Underwood, Walker of Laporte, Walker of Rush, Wilson, Work and Mr. Speaker—87.

*Those who voted for Wm. J. Brown on the part of the Senate were,*

Messrs. Adams, Anthony, Barnett, Barton, Black, Brookshire,

Brown, Cox, Cutshaw, Gibson, Glazebrook, Greathouse, Gordon, Hall, Hawthorn, Horton, Humphreys, Jackson of Madison, Jackson of Tipton, Kightley, Reynolds, Shallenberger, Shields, Shook, Slater, Spann, Sullivan, and Vandeventer.

*Those who voted for Wm. J. Brown on the part of the House were,*

Messrs. Able, Brecount, Bridges, Brown, Buell, Bundy, Clark, Catlin, Chapin, Cooper, Dodd, Donelson, Druley, Dufour, Dunlavey, Durham, Emery, Farnsley, Fleming, Gentry, Handy, Hicks, Howell, Jones of Boone, Jones of Jennings, Jones of Ripley, Lasselle, Lemmon, Lowe, Manville, McClure, McDonnall of Sullivan, McDonald of Lake, McKee, McKinney, Moss, Parker, Price, Read, Richardson, Rockafellar, Seawright, Shoemaker, Simpson, Stackhouse, Stephens, Stockwell, Struble, Tanner, Thomas, Turpie, Underwood, Walker of Laporte, Walker of Rush, Wilson, Work, and Mr. Speaker—85.

*Those who voted for John S. Spann on the part of the Senate were,*

Messrs. Adams, Anthony, Barnett, Barton, Black, Brookshire, Brown, Cox, Cutshaw, Edwards, Gibson, Glazebrook, Greathouse, Gordon, Hall, Hawthorn, Horton, Humphreys, Jackson of Madison, Jackson of Tipton, Kightley, Odell, Reynolds, Shallenberger, Shields, Shook, Slater, Spann, Sullivan, Vandeventer, Williams, Wilson of Harrison, and Wilson of Jay.

*Those who voted for John S. Spann on the part of the House were,*

Messrs. Able, Brecount, Bridges, Brown, Buell, Bundy, Burgett, Catlin, Chapin, Dodd, Donelson, Druley, Dufour, Dunlavey, Durham, Emery, Farnsley, Fleming, Gentry, Goodman, Handy, Hicks, Howell, Jones of Boone, Jones of Jennings, Jones of Ripley, Lasselle, Lemmon, Lowe, Manville, McClure, McKinney, McDonald of Lake, Moss, Orr, Parker, Price, Read, Richardson, Rockafellar, Seawright, Shoemaker, Simpson, Stackhouse, Steele, Stephens, Stockwell, Struble, Tanner, Thomas, Turpie, Underwood, Walker of Laporte, Walker of Rush, Wilson, Work and Mr. Speaker—94.

*Those who voted for Julius Nicolai on the part of the Senate were,*

Messrs. Adams, Barnett, Black, Brookshire, Brown, Cox, Cutshaw, Gibson, Glazebrook, Greathouse, Gordon, Hall, Hawthorn, Horton, Humphreys, Jackson of Madison, Jackson of Tipton, Kightley, Reynolds, Shallenberger, Shields, Shook, Slater, Spann, Sullivan and Vandeventer.

*Those who voted for Julius Nicolai on the part of the House were,*

Messrs. Able, Brecount, Bridges, Brown, Buell, Bundy, Catlin, Chapin, Clark, Cooper, Dodd, Donelson, Druley, Dufour, Dunlavey, Durham, Emery, Farnsley, Fleming, Gentry, Handy, Hicks, Howell, Jones of Boone, Jones of Jenuings, Jones of Ripley, Lasselle, Lemmon, Lowe, Manville, McClure, McDonald of Lake, McDonnall of Sullivan, McKee, McKinney, Moss, Parker, Price, Read, Richardson, Rockafellar, Seawright, Shoemaker, Simpson, Stackhouse, Stephens, Stockwell, Struble, Tanner, Thomas, Turpie, Underwood, Walker of Laporte, Wilson and Mr. Speaker—83.

*Those who voted for Jacob Walker on the part of the Senate were,*

Messrs. Adams, Anthony, Barnett, Barton, Black, Brookshire, Brown, Cox, Cutshaw, Gibson, Glazebrook, Greathouse, Gordon, Hall, Hawthorn, Horton, Humphreys, Jackson of Madison, Jackson of Tipton, Kightley, Odell, Reynolds, Shallenberger, Shields, Shook, Slater, Spann, Sullivan, Vandeventer, Wilson of Harrison and Witherow.

*Those who voted for Jacob Walker on the part of the House were,*

Messrs. Able, Brecount, Bridges, Brown, Buell, Bundy, Catlin, Chapin, Clark, Cooper, Dodd, Donelson, Druley, Dufour, Dunlavey, Durham, Emery, Farnsley, Ferris, Gentry, Graham, Handy, Hicks, Howell, Jones of Boone, Jones of Jennings, Jones of Ripley, Lasselle, Lemmon, Lowe, Manville, McClure, McDonald of Lake, McDonnall of Sullivan, McKee, McKinney, Moss, Orr, Parker, Pratt, Price, Read, Richardson, Rockafellar, Ryan, Seawright, Shoemaker, Simpson, Stackhouse, Stephens, Stockwell, Struble, Tanner, Thomas, Turpie, Underwood, Walker of Laporte, Wilson, Work, and Mr. Speaker—92.

*Those who voted for Finley Bigger on the part of the Senate were,*

Messrs. Adams, Anthony, Barnett, Barton, Black, Brookshire, Brown, Cox, Cutshaw, Gibson, Glazebrook, Greathouse, Gordon, Hall, Hawthorn, Horton, Humphreys, Jackson of Madison, Jackson of Tipton, Kightley, Reynolds, Shallenberger, Shields, Slater, Spann, Sullivan, Vandeventer, Williams, and Wilson of Jay—30.

*Those who voted for Finley Bigger on the part of the House were,*

Messrs. Able, Brecount, Bridges, Brown, Buell, Bundy, Catlin, Chapin, Clark, Cooper, Dodd, Donelson, Druley, Dufour, Dunlavey, Durham, Farnsley, Fleming, Gentry, Handy, Hicks, Howell, Jones of Boone, Jones of Jennings, Jones of Ripley, Lasselle, Lemmon, Lowe,

Manville, McClure, McDonald of Lake, McDonnall of Sullivan, McKee, McKinney, Moss, Orr, Parker, Price, Read, Richardson, Rockatellar, Seawright, Shoemaker, Simpson, Stackhouse, Stephens, Stockwell, Struble, Tanner, Thomas, Turpie, Underwood, Walker of Laporte, Wilson, Work, and Mr. Speaker—86.

*Those who voted blank on the part of the Senate were,*

Messrs. Butler, Edsall, Edwards, Helm, Hosbrook, Humphreys, Meeker, Odell, Powell, Roberts, and Williams.

*Those who voted blank on the part of the House were,*

Messrs. Ballard, Burnett, Ferris, Goodman, Johnson, Orr, Ryan, Shuman, and Steele—22.

Whole number of votes cast.....	105
Necessary to a choice.....	53
Of which number James P. Drake received.....	87 votes
William J. Brown.....	85 "
John S. Spann.....	94 "
J. Nicolai.....	83 "
J. Walker.....	92 "
Finley Bigger.....	86 "
Blank.....	22 "

James P. Drake, William J. Brown, John S. Spann, J. Nicolai, J. Walker and Finley Bigger having received a majority of all the votes cast, were by the president of the convention declared duly elected trustees of the Institution for the Education of the Deaf and Dumb.

One half of whom are to serve two years, the other half four years, to be determined between the trustees themselves by lot.

The convention then proceeded by a joint *viva voce* vote to the election of six trustees for the institution for the education of the Blind.

*Those who voted for E. W. H. Ellis on the part of the Senate were,*

Messrs. Adams, Anthony, Barnett, Barton, Black, Brookshire, Brown, Butler, Combs, Cox, Cutshaw, Edsall, Gant, Gibson, Glazebrook, Griggs, Gordon, Hall, Hawthorn, Horton, Hosbrook, Jackson of Madison, Jackson of Tipton, Kightley, Meeker, Powell, Reynolds, Shellenberger, Shields Shook, Slater, Spann, Sullivan, Vandeventer, Williams and Wilson of Harrison.

*Those who voted for E. W. H. Ellis on the part of the House were,*

Messrs. Able, Brecount, Bridges, Brown, Buell, Bundy, Catlin,

Chapin, Clark, Dodd, Donald, Druley, Dufour, Dunlavey, Durham, Emery, Farnsley, Ferris, Fleming, Gentry, Graham, Handy, Hartley, Hendricks, Hicks, Howell, Jones of Boone, Jones of Jennings, Laird, Lasselle, Lemon, Lewis, Lowe, Manville, McClure, McDonald of Lake, McDonnall of Sullivan, McKee, McKinney, Moss, Orr, Parker, Pratt, Price, Read, Richardson, Rockafellar, Scott, Seawright, Shoemaker, Simpson, Spencer, Stackhouse, Stephens, Stockwell, Struble, Taber, Tanner, Thomas, Turpie, Underwood, Walker of Rush, Wilson and Yount—97.

*Those who voted for J. H. Cook on the part of the Senate were,*

Messrs. Adams, Anthony, Barnett, Barton, Black Brookshire, Brown, Butler, Combs, Cox, Cutshaw, Edwards, Gant, Gibson, Glazebrook, Griggs, Gordon, Hall, Hawthorn, Horton, Hosbrook, Jackson of Madison, Jackson of Tipton, Kightley, Meeker, Odell, Powell, Reynolds, Shallenberger, Shields, Shook, Slater, Spann and Sullivan.

*Those who voted for J. H. Cook on the part of the House were,*

Messrs. Able, Brecount, Bridges, Brown, Buell, Bundy, Catlin, Chapin, Clark, Dodd, Donald, Donelson, Druley, Dufour, Dunlavey, Durham, Emery, Farnsley, Farris, Fleming, Gentry, Graham, Handy, Hartley, Hicks, Howell, Jennings, Jones of Boone, Jones of Jennings, Jones of Ripley, Lasselle, Lemmon, Lewis, Lowe, Manville, McClure, McDonald of Lake, McDonnall of Sullivan, McKee, McKinney, Moss, Orr, Parker, Pratt, Price, Read, Richardson, Rockafellar, Scott, Seawright, Shoemaker, Simpson, Stackhouse, Steele, Stevens, Stockwell, Struble, Tanner, Thomas, Torbett, Turpie, Underwood, Walker of Rush, Wilson and Yount—101.

*Those who voted for J. F. Carr on the part of the Senate were,*

Messrs. Adams, Anthony, Barnett, Barton, Black, Brookshire, Cox, Cutshaw, Edsall, Gant, Gibson, Glazebrook, Griggs, Gordon, Hall, Hawthorn, Horton, Hosbrook, Jackson of Madison, Jackson of Tipton, Kightley, Meeker, Powell, Reynolds, Roberts, Shallenberger, Shields, Shook, Slater, Spann and Sullivan.

*Those who voted for John F. Carr on the part of the House were,*

Messrs. Able, Brecount, Bridges, Brown, Buell, Bundy, Catlin, Chapin, Clark, Dodd, Donald, Druley, Dufour, Dunlavey, Durham, Emery, Farnsley, Fleming, Gentry, Graham, Handy, Hartley, Hicks, Howell, Jones of Boone, Jones of Jennings, Jones of Ripley, Lasselle, Lemmon, Lewis, Lowe, Manville, McClure, McDonald of Lake, McDonnall of Sullivan, McKee, McKinney, Moss, Parker,

Price, Read, Richardson, Rockafellar, Seawright, Shoemaker, Simpson, Stackhouse, Steele, Stevens, Stockwell, Struble, Tanner, Thomas, Torbet, Turpie, Underwood, Walker of Rush, Wilson and Yount—88.

*Those who voted for W. B. McCullough on the part of the Senate were,*

Messrs. Adams, Anthony, Barnett, Barton, Black, Brookshire, Combs, Cox, Cutshaw, Edsall, Gant, Gibson, Glazebrook, Griggs, Hall, Hawthorn, Horton, Hosbrook, Jackson of Madison, Jackson of Tipton, Kightley, Meeker, Powell, Reynolds, Shallenberger, Shields, Shook, Slater, Spann and Sullivan.

*Those who voted for W. B. McCullough on the part of the House were,*

Messrs. Able, Brecount, Bridges, Brown, Buell, Bundy, Catlin, Chapin, Clark, Dodd, Donald, Druley, Dufour, Dunlavey, Durham, Emery, Farnsley, Fleming, Gentry, Graham, Handy, Hartley, Hicks, Howell, Jones of Boone, Jones of Jennings, Jones of Ripley, Lasselle, Lemmon, Lewis, Lowe, Manville, McClure, McDonald of Lake, McDonnall of Sullivan, McKee, McKinney, Moss, Parker, Price, Read, Richardson, Rockafellar, Seawright, Shoemaker, Simpson, Stackhouse, Steele, Stephens, Stockwell, Struble, Tanner, Thomas, Torbet, Turpie, Underwood, Walker of Rush, Wilson and Yount—88.

*Those who voted for Isaac Blackford on the part of the Senate were,*

Messrs. Adams, Anthony, Barnett, Barton, Black, Brookshire, Brown, Butler, Combs, Cox, Cutshaw, Edsall, Edwards, Gant, Gibson, Glazebrook, Greathouse, Griggs, Gordon, Hawthorn, Horton, Hosbrook, Jackson of Madison, Jackson of Tipton, Kightley, Meeker, Odell, Powell, Reynolds, Roberts, Shallenberger, Shook, Slater, Spann, Sullivan, Vandeventer, Williams, and Wilson of Harrison.

*Those who voted for Isaac Blackford on the part of the House were,*

Messrs. Able, Brecount, Bridges, Brown, Buell, Bundy, Catlin, Chapin, Clark, Dodd, Donald, Donelson, Druley, Dufour, Dunlavey, Durham, Emery, Farnsley, Farris, Fleming, Gentry, Graham, Hartley, Hendricks, Hooper, Hunt, Jennings, Jones of Boone, Jones of Jennings, Jones of Ripley, Lasselle, Lemmon, Lewis, Lowe, Manville, McCormick, McClure, McDonald of Lake, McDonnall of

Sullivan, McKee, McKinney, Moss, Orr, Parker, Pratt, Price, Read, Richardson, Rockafellar, Scott, Seawright, Shoemaker, Simpson, Stackhouse, Steele, Stephens, Stockwell, Struble, Tanner, Thomas, Torbet, Turpie, Underwood, Walker of Rush, Wilson and Yount—104.

*Those who voted for James G. Read on the part of the Senate were,*

Messrs. Adams, Anthony, Barton, Brookshire, Brown, Cox, Cutsaw, Edsall, Edwards, Gant, Gibson, Greathouse, Griggs, Gordon, Hall, Hawthorn, Horton, Jackson of Madison Jackson of Tipton, Powell, Reynolds, Roberts, Shallenberger, Shields, Shook, Slater, Spann, and Sullivan.

*Those who voted for James G. Read on the part of the House were,*

Messrs. Able, Brecount, Bridges, Brown, Buell, Bundy, Burnett, Catlin, Chapin, Clark, Dodd, Druley, Dufour, Dunlavey, Durham, Emery, Farnsley, Fleming, Gentry, Graham, Handy, Hartley, Hendricks, Hicks, Howell, Jones of Boone, Jones of Jennings, Jones of Ripley, Lasselle, Lemmon, Lewis, Lowe, Manville, McCormick, McClure, McDonald of Lake, McDonnall of Sullivan, McKee, Moss, Parker, Price, Richardson, Rockafellar, Seawright, Shoemaker, Simpson, Spencer, Stackhouse, Steele, Struble, Tanner, Thomas, Torbet, Turpie, Underwood, Walker of Rush, Wilson and Yount—86.

*Those who voted for E. Deming on the part of the Senate were,*

Messrs. Barnett, Butler, Combs, Hosbrook, Kightley, Williams and Wilson of Jay—7.

Mr. Odell voted blank.

Whole number of votes cast.....	106
Necessary to a choice.....	54
Of which number E. W. H. Ellis received.....	97 votes.
J. H. Cook received.....	101  “
John F. Carr received.....	88 “
W. B. McCullough received.....	88 “
Isaac Blackford received.....	104 “
James G. Read received.....	86 “
Dr. E. Deming.....	7 “
Blank.....	1 “

E. W. H. Ellis, J. H. Cook, John F. Carr, W. B. McCullough, Isaac Blackford and James G. Read, having received a majority of all the votes given, were, by the President of the convention, declared duly elected Trustees for the Institution for the Education of

the Blind, three of whom to serve two years, and three four years, to be decided by lot between the Trustees themselves.

The President of the Convention then declared the same adjourned without day.

The Senate then returned to their chamber, and resumed the consideration of the Governor's veto message.

When,

Mr. Gibson moved a call of the Senate.

The Secretary proceeded to the call, when the following Senators answered to their names:

Messrs. Adams, Anthony, Barnett, Barton, Black, Brookshire, Brown, Butler, Combs, Cox, Cutshaw, Edsall, Edwards, Gant, Gibson, Glazebrook, Greathouse, Griggs, Gordon, Hall, Hawthorn, Helm, Horton, Humphreys, Jackson of Madison, Jackson of Tipton, Meeker, Odell, Powell, Reynolds, Robinson, Shallenberger, Shields, Shook, Simpson, Slater, Spann, Sullivan, Vandeventer, Williams, Wilson of Harrison, Wilson of Jay, and Witherow—45.

On motion by Mr. Adams,

Leave of absence was granted Mr. Roberts for the balance of the session.

On motion by Mr. Gibson,

The further call of the Senate was suspended.

The question being shall the bill pass, the objections of the Governor to the contrary notwithstanding?

*Those who voted in the affirmative were,*

Messrs. Anthony, Barton, Black, Butler, Combs, Cox, Edwards, Gibson, Greathouse, Griggs, Gordon, Helm, Odell, Reynolds, Robinson, Sullivan, Williams, Wilson of Harrison, Wilson of Jay, and Witherow—20.

*Those who voted in the negative were,*

Messrs. Edsall, Hall, Hosbrook, Jackson of Tipton, Meeker, and Shook—6.

No quorum voting.

On motion by Mr. Gibson,

A call of the Senate was ordered.

The Secretary proceeded to the call, when the following Senators answered to their names:

Messrs. Adams, Anthony, Barnett, Barton, Black, Brookshire, Brown, Butler, Combs, Cox, Cutshaw, Edsall, Edwards, Gant, Gibson, Glazebrook, Greathouse, Griggs, Gordon, Hall, Hawthorn, Helm, Horton, Hosbrook, Humphreys, Jackson of Madison, Jackson of Tipton, Kightley, Meeker, Odell, Powell, Reynolds, Robinson, Shallenberger, Shields, Shook, Simpson, Slater, Spann, Vandeventer, Williams, Wilson of Harrison, Wilson of Jay, and Witherow—45.

On motion by Mr. Gibson,  
The further call was dispensed with.  
The question recurring on the passage of the bill,

*Those who voted in the affirmative were,*

Messrs. Anthony, Barton, Black, Butler, Combs, Cox, Edwards, Gibson, Greathouse, Griggs, Gordon, Helm, Odell, Reynolds, Robinson, Simpson, Sullivan, Vandeventer, Williams, Wilson of Harrison, Wilson of Jay, and Witherow—22.

*Those who voted in the negative were,*

Messrs. Adams, Barnett Edsall, Gant, Hall, Hawthorn, Hosbrook, Jackson of Tipton, Meeker, and Shook—10.

No quorum voted.

On motion by Mr. Gibson,  
A call of the Senate was ordered.

The Secretary proceeded with the call, when the following Senators answered to their names:

Messrs. Adams, Anthony, Barnett, Barton, Black, Brookshire, Brown, Butler, Combs, Cox, Cutshaw, Edsall, Edwards, Gant, Gibson, Glazebrook, Greathouse, Griggs, Gordon, Hall, Hawthorn, Helm, Horton, Hosbrook, Humphreys, Jackson of Madison, Jackson of Tipton, Kightley, Meeker, Odell, Powell, Reynolds, Robinson, Shallenberger, Shields, Shook, Simpson, Slater, Spann, Sullivan, Vandeventer, Williams, Wilson of Harrison, Wilson of Jay and Witherow—45.

On motion by Mr. Gibson,  
The further call of the Senate was suspended.  
Mr. Barnett moved to lay the bill on the table.

The ayes and noes being demanded by Senators Gibson and Shields,

*Those who voted in the affirmative were,*

Messrs. Adams, Barnett, Brown, Cutshaw, Edsall, Gant, Glazebrook, Hall, Hawthorn, Horton, Hosbrook, Humphreys, Jackson of Madison, Jackson of Tipton, Kightley, Meeker, Shallenberger, Shields, Shook, and Spann—20.

*Those who voted in the negative were,*

Messrs. Anthony, Barton, Black, Butler, Combs, Cox, Edwards, Gibson, Greathouse, Griggs, Gordon, Helm, Odell, Powell, Reynolds, Robinson, Simpson, Sullivan, Vandeventer, Williams, Wilson of Harrison, Wilson of Jay and Witherow—23.

So the bill was not laid on the table.

The question being on the passage of the bill, the objections of the Governor to the contrary notwithstanding,

*Those who voted in the affirmative were,*

Messrs. Anthony, Barton, Black, Butler, Combs, Cox, Edwards, Gibson, Greathouse, Griggs, Gordon, Helm, Odell, Reynolds, Robinson, Simpson, Sullivan, Vandeventer, Williams, Wilson of Harrison, Wilson of Jay and Witherow—22.

*Those who voted in the negative were,*

Messrs. Edsall, Hall, Hosbrook, Jackson of Tipton, Meeker, and Shook—6.

No quorum voted.

When the President of the Senate declared the same adjourned.

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FRIDAY MORNING 9 o'clock, }  
March 4, 1853. }

The Senate assembled.

On motion by Mr. Gibson,  
The reading of the Journal was dispensed with.

The following message was received from the House of Representatives, by Mr. Bowes, their Clerk :

MR. PRESIDENT :

I am directed by the House of Representatives to inform the Senate that the House has concurred in engrossed amendment of the Senate to engrossed bill of the House,

No. 178. A bill to amend "an act providing for the settlement of decedents' estates, prescribing the rights, liabilities and duties of officers connected with the management thereof, and the heirs thereto, and certain forms to be used in such settlement," approved June 17, 1852.

Also the following message was received from the House of Representatives :

MR. PRESIDENT :

I am directed by the House of Representatives to inform the Senate that the House has concurred in the engrossed amendment of the Senate to engrossed bill of the House,

No. 180. A bill amendatory of, and supplemental to an act entitled "an act to provide for a general and uniform system of common schools and school libraries, and matters properly connected therewith," approved June 14, 1852.

The Senate resumed the consideration of the veto message on Senate bill No. 53, pending at the time of adjournment on yesterday.

The question being, shall the bill pass, the objections of the Governor to the contrary notwithstanding?

Mr. Adams moved to lay the bill on the table ;

Upon which,

The ayes and noes were demanded by Messrs. Edwards and Adams.

*Those who voted in the affirmative were,*

Messrs. Adams, Barnett, Brookshire, Brown, Cutshaw, Edsall, Gant, Glazebrook, Hawthorn, Horton, Humphreys, Jackson of Madison, Kightley, Powell, Shields, Shook, Slater and Wilson of Jay—18.

*Those who voted in the negative were,*

Messrs. Anthony, Barton, Black, Butler, Combs, Cox, Edwards, Gibson, Griggs, Gordon, Helm, Hosbrook, Meeker, Odell, Reynolds, Robinson, Simpson, Vandeventer, Wilson of Harrison, Wilson of Jay and Witherow—20.

So the bill was not laid on the table.

Mr. Shook moved to suspend the order of business, and take up the orders of the day ;

Upon which,

The ayes and noes were demanded by Messrs. Shook and Barnett:

On motion by Mr. Gibson,

A call of the Senate was ordered.

The Secretary proceeded to the call, when the following Senators answered to their names:

Messrs. Adams, Anthony, Barnett, Barton, Black, Brookshire, Brown, Butler, Combs, Cox, Cutshaw, Edsall, Edwards, Gant, Gibson, Glazebrook, Griggs, Gordon, Hawthorn, Helm, Horton, Hosbrook, Humphreys, Jackson of Madison, Kightley, Meeker, Odell, Powell, Reynolds, Robinson, Shields, Shook, Simpson, Slater, Spann, Sullivan, Vandeventer, Williams, Wilson of Harrison, Wilson of Jay and Witherow—41.

On motion by Mr. Reynolds,

Messrs. Greathouse, Hall and Shallenberger, absentees, were sent for.

On motion by Mr. Anthony,

Mr. Jackson of Tipton was excused on account of sickness.

On motion by Mr. Gibson,

The further call was suspended.

The question then recurred on the motion of Mr. Shook to take up the orders of the day.

Mr. Gibson moved to lay the motion of Mr. Shook on the table;

Upon which,

The ayes and noes were demanded by Messrs. Shook and Gordon.

*Those who voted in the affirmative were,*

Messrs. Anthony, Barton, Black, Butler, Combs, Cox, Edwards, Gibson, Greathouse, Griggs, Gordon, Helm, Hosbrook, Meeker, Odell, Reynolds, Robinson, Simpson, Vandeventer, Williams, Wilson of Harrison, Wilson of Jay and Witherow—23.

*Those who voted in the negative were,*

Messrs. Adams, Barnett, Brookshire, Brown, Cutshaw, Edsall, Gant, Glazebrook, Hawthorn, Horton, Humphreys, Jackson of Madison, Kightley, Powell, Shallenberger, Shields, Shook, Slater and Spann—19.

So the motion did not prevail.

Mr. Gibson moved to lay the bill on the table.

Which was agreed to.

Mr. Sullivan, chairman of the committee on Finance, made the following report:

MR. PRESIDENT:

The committee on Finance to whom was referred House bill No.

223, a bill making specific appropriations for the year 1853, have had the same under consideration, and have directed me to report the same back with the following amendments:

1st. Amend section 1st at the proper place wherein it reads "\$4,00 per day," so as to read "\$3,00 per day."

2nd. SEC. — That B. Pottage be allowed \$1,25 for a coal bucket for the use of the Senate.

3rd. Amend section 1st at the proper place by striking out "\$4,00 per day," and insert "\$3,00 per day."

4th. SEC. — That the Governor of the State be, and is hereby allowed the sum of \$279 25 for expenses paid out in visiting the State Prison, State University, sessions of the Board of Trustees of the Wabash and Erie Canal, and other expenses necessarily connected with his office, which he has paid from the commencement of his office in 1849, to the present time, as per bill of items furnished.

5th. SEC. — That James O. Connell be allowed \$60,00 for sawing wood for the use of the State House during the present session of the Legislature.

6th. SEC. — That John Lannahan be allowed \$60,00 for sawing wood for the use of the State House during this session of the Legislature.

On motion by Mr. Humphreys,

The amendments were considered separately.

The 1st amendment was considered, and concurred in by the Senate.

Mr. Gibson moved to lay the 2nd amendment on the table.

Upon which,

The ayes and noes were demanded by Messrs. Butler and Witherow.

*Those who voted in the affirmative were,*

Messrs. Adams, Anthony, Barton, Black, Brookshire, Brown, Combs, Cox, Cutshaw, Edsall, Edwards, Gibson, Greathouse, Gordon, Hosbrook, Humphreys, Jackson of Madison, Kightley, Odell, Powell, Reynolds, Shields, Slater, and Sullivan—24.

*Those who voted in the negative were,*

Messrs. Barnett, Butler, Gant, Glazebrook, Griggs, Hawthorn, Horton, Meeker, Shallenberger, Shook, Simpson, Vandeventer, Wilson of Harrison, Wilson of Jay and Witherow—16.

So the amendment was laid on the table.

The 3d amendment was read and concurred in by the Senate.

On motion by Mr. Wilson,

Leave of absence was granted Mr. Williams.

On motion by Mr. Shallenberger,  
Leave of absence was granted Mr. Hall.

The 4th amendment of the committee was read and concurred in.  
The 5th amendment of the committee was read and concurred in.

Mr. Spann moved to amend the 51st section by striking out  
"\$1,000," and insert "\$500."

Which was agreed to.

Mr. Shields moved to strike out all relative to the fund out of  
which the same shall be paid.

Which was not agreed to.

Mr. Barnett moved to amend the 45th section by adding:

"*Provided*, in no case shall the pay exceed \$400."

Mr. Gibson moved to amend the amendment by striking out  
"\$400," and insert in lieu thereof, "\$800."

Mr. Shields moved to lay the amendment and the amendment to  
the amendment, on the table;

Upon which,

The ayes and noes were demanded by Messrs. Shook and Shields.

*Those who voted in the affirmative were,*

Messrs. Adams, Anthony, Barton, Black, Brookshire, Brown, Butler, Combs, Cox, Edsall, Edwards, Gant, Gibson, Glazebrook, Greathouse, Griggs, Gordon, Hawthorn, Horton, Hosbrook, Humphreys, Jackson of Madison, Kightley, Meeker, Odell, Powell, Reynolds, Shallenberger, Shields, Simpson, Slater, Spann, Sullivan, Vandeventer, Wilson of Harrison, Wilson of Jay and Witherow—37.

*Those who voted in the negative were,*

Messrs. Barnett, Cutshaw, Helm, Robinson and Shook—5.

So the motion prevailed.

Mr. Wilson of Harrison moved to amend the 45th section by adding: *Provided*, the pay shall not exceed "\$600."

Mr. Gibson moved to lay the amendment on the table;

Upon which,

The ayes and noes were demanded by Senators Wilson and Shook.

*Those who voted in the affirmative were,*

Messrs. Adams, Anthony, Barton, Black, Brookshire, Brown, Butler, Combs, Cox, Edsall, Edwards, Gibson, Greathouse, Griggs, Gordon, Hosbrook, Jackson of Madison, Kightley, Odell, Shields, Sullivan and Witherow—22.

*Those who voted in the negative were,*

Messrs. Barnett, Cutshaw, Gant, Glazebrook, Hawthorn, Helm,

Horton, Humphreys, Meeker, Powell, Reynolds, Robinson, Shallenberger, Shook, Simpson, Slater, Spann, Wilson of Harrison and Wilson of Jay—19.

So the amendment was laid on the table.

Mr. Sullivan submitted the following amendments:

SEC. —. That H. F. West & Co., be allowed thirty dollars and thirty cents for sundries, as per bill rendered.

SEC. —. That William H. Buford, doorkeeper of the Senate, be allowed the sum of two hundred and fifty-three dollars and fifty cents for cash paid by him for wood for the use of the Senate; fifty cents cash paid for drayage; one dollar and fifty cents for making and washing towels: cash paid for pencils one dollar: cash paid for twine, thirty cents as per receipts filed; and the sum of nine dollars for extra services in buying wood and superintending public documents; further, that he be allowed nine dollars for extra services as doorkeeper, for three days, after the close of this session.

SEC. —. That W. W. Roberts be allowed the sum of twelve dollars and ninety-five cents for glass, as per bill.

Amend SEC. 50. Add also, one hundred dollars for services rendered the State in the case of Bates against the State of Indiana.

Which was adopted.

Mr. Odell offered the following amendment:

SEC. —. That Benjamin Welsh be allowed the sum of sixty-one dollars for services as deputy surveyor, in selecting swamp lands in Jasper county.

A count being had, there was a tie vote, when the President decided in the affirmative.

So the amendment was adopted.

Mr. Adams submitted the following amendment:

SEC. —. That Chauncy H. Noys be allowed the sum of one hundred and seventeen dollars and fifteen cents for services by him rendered, and expenses incurred in arresting Joel Grant, and Isaac P. Benjamin, fugitives from justice upon a requisition of the Governor of this State upon the governor of Michigan.

Which was adopted.

Mr. Wilson of Harrison offered the following amendment:

SEC. —. That William W. M. Mahon, sheriff of Harrison county be allowed the sum of fifty dollars, expenses incurred by him in arresting in the State of Kentucky and bringing to punishment a gang of horse thieves.

Which was adopted.

Mr. Gibson submitted the following resolution:

*Resolved*, That the rule of the Senate that forbids amendments to bills being made on the third reading be suspended during the balance of the session.

Which was unanimously adopted.

The bill was then read the third time.

On motion,

The bill was considered by sections,

Mr. Shook moved to amend the 5th section by striking out five dollars and inserting four dollars.

Mr. Gibson moved to lay the amendment on the table.

Which was agreed to.

Mr. Hosbrook moved to amend section 50, by striking out \$600 and insert \$1000,

Upon which,

The ayes and noes were demanded by Senators Gant and Shook.

*Those who voted in the affirmative were,*

Messrs. Adams, Anthony, Barton, Black, Combs, Cox, Cutshaw, Edsall, Gibson, Greathouse, Gordon, Horton, Hosbrook, Humphreys, Jackson of Madison, Odell, Powell, Robinson, Shallenberger, Shields, Slater, Sullivan, Wilson of Harrison and Witherow—24.

*Those who voted in the negative were,*

Messrs. Barnett, Butler, Edwards, Gant, Glazebrook, Hawthorn, Helm, Kightley, Meeker, Shook, Simpson, Vandeventer and Wilson of Jay—13.

So the amendment was adopted.

The question then recurring on the passage of the bill,

*Those who voted in the affirmative were,*

Messrs. Adams, Anthony, Barton, Black, Brown, Combs, Cox, Cutshaw, Edsall, Edwards, Gibson, Glazebrook, Greathouse, Gordon, Hawthorn, Horton, Hosbrook, Humphreys, Jackson of Madison, Kightley, Odell, Powell, Reynolds, Shallenberger, Shields, Slater, Spann, Sullivan, Wilson of Harrison and Wilson of Jay—30.

*Those who voted in the negative were,*

Messrs. Barnett, Butler, Gant, Helm, Meeker, Shook, Simpson, Vandeventer and Witherow—9.

So the bill passed.

Ordered that the Secretary inform the House thereof.

Mr. Barton chairman of the committee on Benevolent Institutions of the State, made the following report:

MR. PRESIDENT :

The committee on Benevolent Institutions to whom was referred a resolution of the Senate instructing them to enquire into the expediency of furnishing the Deaf and Dumb Asylum with gas, have had that subject under consideration and have directed me to report that it is inexpedient to legislate in the premises since heavy appropriations for more useful purposes, have already been made to the different benevolent institutions of the State, and they ask to be discharged from the further consideration thereof.

Which was concurred in by the Senate.

By Mr. Edsall, from the committee on Claims :

MR. PRESIDENT :

The committee on Canals and Internal Improvements, to whom was referred sundry petitions and remonstrances relative to the reservoir in Clay county, have had the same under consideration, and deeming legislation thereon inexpedient, have instructed me to report the same back to the Senate with a recommendation that the same be laid on the table.

Which was concurred in.

By Mr. Adams, from the committee on Claims :

MR. PRESIDENT :

The committee on Claims to whom was referred so much of the governor's message as relates to the compensation of the attorneys for the State in the case of Patrick McGinley, would report that they have not had any evidence before them in relation to the matter, and that the same is provided for in the specific appropriation bill; the committee therefore ask to be discharged from the further consideration of the subject.

Which was concurred in.

Report by Mr. Adams from the committee on Claims :

• MR. PRESIDENT :

The committee on Claims to whom was referred the communication of William Sheets, Agent for the Masonic Hall Company, enclosing a claim for the improvements on certain streets opposite the property of the State, have had the same under consideration, and directed me to report that in the opinion of said committee, the said

claim ought not to be allowed, and the committee ask to be discharged from the further consideration of the subject.

Which was concurred in.

Mr. Shields submitted the following report from the committee on Swamp Lands:

MR. PRESIDENT:

The committee on Swamp Lands to whom was referred so much of the Governor's message as relates to swamp lands, have had the same under consideration and instructed me to report, as follows:

That with reference to the purchases made subsequent to the passage of the act of Congress, approved September 28, 1850, your committee are of the opinion that all such purchases should be confirmed. With reference to the law approved May 29, 1852, entitled an act to regulate the sale of the swamp lands, donated by the United States to the State of Indiana, your committee are of the opinion that it is inexpedient to change said law. The act of Congress referred to provides expressly that the proceeds of said lands, whether from sale or direct appropriation in kind, shall be applied exclusively, as far as necessary, to the purpose of reclaiming said lands by means of levees and drains. This was the condition of the grant.

The committee believes that the State has no power to direct the proceeds of the lands from the purpose to which they were designated by the act of Congress. These lands comprising more than 1,200,000 acres had been a long time in the market, and no one offered to purchase them; the obvious reason was they could not be made avoidable; they are in large bodies including several thousand acres, which are effected by the same drainage; or they lie on the banks of rivers, where it is necessary that the levee should be extended for several miles. They cannot therefore be reclaimed by individual enterprise; but require the concentrated effort which can only be secured by uniting the purchase money of each county. This, the act referred to will accomplish. What the cost of drainage will be, your committee cannot determine, until surveys and estimates are made, but even if the whole purchase money should be thus expended, it would be better than to leave the lands unreclaimed.

The citizen residents in the vicinity of these lands have long justly complained of the disease created by the vast swamps and lakes, which also have retarded the growth and improvement of the State by deterring emigration from abroad. Many of the lands are naturally of a good quality, and will, when drained, be readily sold for agricultural purposes. When thus employed they will improve the health of the country, and thus increase the value of the adjoining land.

It is urged that these lands should be sold for the common benefit of the whole State. This cannot be more effectually done than by faithfully executing the existing law.

The lands if sold, conditional that the purchaser drain them, would a few of them unquestionably be drained, but the great amount would remain for a long time in their present condition unsold and undrained; but if the State sells, and as the law provides, appropriate sufficient of the money to secure the drainage, the land will at once be reclaimed.

The 1,200,000 acres which now yield no revenue to the State, would be subject to taxation. We think it would be safe to estimate that these lands if drained, in a few years would be worth in the hands of the purchasers \$5,00 per acre; taking this as the basis, the annual revenue which the State would receive from the lands, would be at the present rate of taxation, \$18,000. This is far more than the annual interest of their present value; but this is not all; they would employ in their cultivation 60,000 people, all of whom contribute to the growth and prosperity of the State. The true interest of the State is to execute in good faith the grant,—to make these lands, instead of a desolate waste, poisoned with disease, the homes of industrious, healthy and happy people.

The committee have directed me to report that it is inexpedient to legislate on that subject, and ask to be discharged from the further consideration of the subject.

Which was concurred in by the Senate.

#### HOUSE BILLS.

No. 224. A bill to explain an act entitled “an act authorizing railroad companies to consolidate their stock, &c.

Which was read the first time and ordered to a second reading.

No. 106. A bill giving validity to the alterations made and omissions supplied in the revised statutes, and in the code of civil and criminal practice of 1852, by the persons superintending the publication of the same.

Which was read the first time and ordered to a second reading.

No. 159. A bill giving common pleas courts concurrent jurisdiction with circuit courts in cases of complaints for bastardy and surety of the peace.

Which was read the first time and ordered to a second reading.

No. 220. A bill to raise a revenue for State purposes for the years 1853 and 1854.

Was read the first time.

Mr. Gibson moved to suspend the rules and read the bill a second time now.

*Those who voted in the affirmative were,*

Messrs. Adams, Brookshire, Brown, Butler, Combs, Cox, Cutshaw, Edsall, Edwards, Gant, Gibson, Glazebrook, Greathouse, Griggs, Gordon, Hawthorn, Helm, Horton, Hosbrook, Humphreys, Kightley, Meeker, Odell, Powell, Reynolds, Robinson, Shallenberger, Shields, Shook, Simpson, Slater, Spann, Sullivan, Vandeventer, Wilson of Harrison, Wilson of Jay and Witherow—37.

No Senator voted in the negative.

So the rules were suspended and the bill read the second time.

Mr. Sullivan moved to further suspend the rules and read the bill the third time now.

*Those who voted in the affirmative were,*

Messrs. Adams, Brookshire, Brown, Butler, Combs, Cox, Cutshaw, Edsall, Edwards, Gant, Gibson, Glazebrook, Greathouse, Griggs, Gordon, Hawthorn, Helm, Horton, Hosbrook, Humphreys, Jackson of Madison, Kightly, Meeker, Odell, Powell, Robinson, Shallenberger, Shields, Shook, Simpson, Slater, Spann, Sullivan, Vandeventer, Wilson of Harrison, Wilson of Jay and Witherow—37.

No Senator voted in the negative.

So the rules were suspended and the bill read the third time.

Mr. Sullivan moved to amend as follows:

Strike out of the second section "15 cents," and insert "20 cents for the year 1854."

Which was agreed to.

The question being on the passage of the bill,

*Those who voted in the affirmative were,*

Messrs. Adams, Barton, Brookshire, Brown, Butler, Combs, Cox, Cutshaw, Edsall, Edwards, Gant, Gibson, Glazebrook, Greathouse, Gordon, Hawthorn, Helm, Horton, Hosbrook, Humphreys, Jackson of Madison, Kightley, Meeker, Odell, Powell, Robinson, Shallenberger, Shields, Simpson, Slater, Spann, Sullivan, Vandeventer and Wilson of Jay—34.

*Those who voted in the negative were,*

Messrs. Griggs, Shook, Wilson of Harrison and Witherow—4.

So the bill passed.

Ordered, that the Secretary inform the House thereof.

The following message was received from the House of Representatives, by Mr. Bowes, their Clerk:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate, that the House has passed the following engrossed bill of the Senate, without amendment.

Bill No. 81, a bill to amend section 36 of an act entitled "an act prescribing who may make a will, the effect thereof, what may be devised, regulating the revocation, admission to probate and contest thereof," approved May 31, 1852.

The following message from the House of Representatives was taken up:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House has concurred in the 1st, 3d, 4th and 5th engrossed amendments of the Senate to engrossed bill of the House No. 205, an act to amend the 18th, 24th, 25th and 26th sections of an act entitled "an act regulating descents and the apportionment of estates," and have concurred in the 2d engrossed amendment of the Senate, with an engrossed amendment of the House.

In which the concurrence of the Senate is respectfully requested.

On motion by Mr. Gibson,

The engrossed amendment of the House to engrossed amendments of the Senate contained in the message,

Was concurred in.

Also, the following message from the House of Representatives, was taken up:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House has passed the following engrossed bill of the Senate:

No. 82. A bill to amend the 4th, 5th, 27th, 37th, 47th, 49th, 53d, 58th, 67th, 81st, 540th, 799th sections of an act entitled an act to revise, simplify and abridge the rules, practice, pleadings and forms in civil cases in the courts of this State; to abolish distinct forms of actions at law, and to provide for the administration of justice in a uniform mode of pleading and practice, without distinction between law and equity, approved June 18th, 1852,

With sundry amendments thereto.

In which the concurrence of the Senate is respectfully requested.

Also the following message from the House of Representatives was taken up:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House have passed the following engrossed bill thereof:

Bill No. 216. An act to amend an act entitled an act to incorporate the town of Plymouth, Marshall county Indiana.

In which the concurrence of the Senate is respectfully requested.

On motion by Mr. Gibson,

The engrossed amendments of the House to Senate bill No. 82 contained in the message were concurred in.

Bill No. 216 contained in the message, was read the first time and ordered to a second reading.

Leave being granted,

Mr. Gibson obtained leave and introduced the following resolution:

*Resolved*, That when the Senate adjourn at noon, it adjourn to meet at fifteen minutes past one.

Which was adopted.

Also, the following message from the House of Representatives was taken up:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House have passed the following engrossed bill thereof:

Bill No. 211. An act to authorize the voters of Switzerland county to determine the location of the county seat of said county, and to fix the same, and providing for the erection of public buildings, should a change of location be made, and matters properly belonging thereto.

In which the concurrence of the Senate is respectfully requested.

Bill No. 211, contained in the message was read the first time:

When,

Mr. Powell moved to suspend the rule and read the bill a second time now, by the title.

The question being on suspending the rules,

*Those who voted in the affirmative were,*

Messrs. Adams, Barton, Black, Brookshire, Brown, Combs, Cox, Cutshaw, Edsall, Edwards, Gant, Gibson, Glazebrook, Greathouse, Gordon, Hawthorn, Helm, Horton, Hosbrook, Humphreys, Jackson of Madison, Kightley, Meeker, Odell, Powell, Robinson,

Shallenberger, Shields, Shook, Simpson, Slater, Sullivan, Vandeventer, Wilson of Jay and Witherow—35.

Mr. Butler voted in the negative.

So the rules were suspended and the bill read a second time by the title, and ordered to a third reading.

Also, the following message from the House of Representatives was taken up:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House have passed the following engrossed bill thereof:

Bill No. 218. An act making general appropriations for the years 1853 and 1854.

In which the concurrence of the Senate is respectfully requested.

Bill No. 218, contained in the message was read the first time; when,

Mr. Adams moved to suspend the rules and read the bill a second time now by the title;

The question being on suspending the rules,

*Those who voted in the affirmative were,*

Messrs. Adams, Barton, Black, Brookshire, Brown, Butler, Combs, Cox, Cutshaw, Edsall, Edwards, Gant, Gibson, Glazebrook, Great-house, Griggs, Gordon, Hawthorn, Horton, Hosbrook, Jackson of Madison, Kightley, Meeker, Odell, Powell, Robinson, Shallenberger, Shields, Shook, Simpson, Slater, Sullivan, Wilson of Harrison, Wilson of Jay and Witherow—35.

So the rules were suspended, and the bill read a second by the title; when,

Mr. Adams moved to further suspend the rules and read the bill a third time now.

And the question being put:

*Those who voted in the affirmative were,*

Messrs. Adams, Barton, Black, Brookshire, Brown, Butler, Combs, Cox, Cutshaw, Edsall, Edwards, Gant, Gibson, Glazebrook, Great-house, Griggs, Gordon, Hawthorn, Helm, Horton, Hosbrook, Humphreys, Jackson of Madison, Kightley, Meeker, Powell, Robinson,

Shallenberger, Shields, Shook, Simpson, Slater, Sullivan, Wilson of Harrison, Wilson of Jay and Witherow—36.

No Senator voted in the negative.

So the rule was suspended, the bill read a third time,  
And the question being, shall the bill pass?

By unanimous consent,

Mr. Barton submitted the following amendment:

Amend by adding \$28,000 for the erection of the north wing to the Insane Hospital.

On motion by Mr. Slater,

The amendment was laid on the table.

The question being on the passage of the bill,

*Those who voted in the affirmative were,*

Messrs. Adams, Barton, Black, Brookshire, Brown, Combs, Cox, Cutshaw, Edsall, Edwards, Gibson, Glazebrook, Greathouse, Griggs, Gordon, Hawthorn, Helm, Horton, Hosbrook, Humphreys, Jackson of Madison, Kightley, Meeker, Odell, Powell, Robinson, Shallenberger, Shields, Slater, Sullivan, Wilson of Harrison, Wilson of Jay and Witherow—34.

Messrs. Butler, Gant, Shook, and Simpson voted in the negative.

So the bill passed.

Ordered that the Secretary inform the House thereof.

Mr. Cox, chairman of the committee on Enrolled Bills made the following report:

MR. PRESIDENT:

The committee on Enrolled Bills have compared the enrolled with the engrossed copy of bill No. 42, a bill to appoint J. W. Cummins an agent to proceed to Washington City and procure the readjustment of the three per cent fund, and surplus revenue accounts of Indiana with the General Government, and procure the additional sum or sums of money that may accrue to the State thereby, to be placed to the credit of the State upon the books of the General Government, and also to provide for his compensation therefor.

Also, Bill No. 78. A bill to amend section 95 of an act entitled "an act providing for the settlement of decedents' estates, prescribing the rights, liabilities and duties of officers connected with the management thereof, and the heirs thereto, and certain forms to be used in such settlement," approved June 17, 1852, and find the same correctly enrolled.

The following message was received from the House of Representatives:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House has passed the following engrossed bills of the Senate, viz:

Bill No. 105. A bill giving to the courts of common pleas concurrent jurisdiction with justices of the peace in actions of forcible entry and detainer, and against tenants holding over.

Bill No. 120. A bill granting the right of way to the Ohio and Indianapolis Railroad Company to construct a railroad through the grounds of the State surrounding the Asylum for the Deaf and Dumb.

Without amendment.

Also, the following message was received from the House of Representatives:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House have passed the following engrossed joint resolution thereof:

No. 29. A joint resolution in regard to the Industrial Exhibition to be held in New York in May next, and in New Orleans in February, 1854.

In which the concurrence of the Senate is respectfully requested.

Mr. Cox, chairman of the committee on Enrolled Bills, made the following report:

MR. PRESIDENT:

The committee on Enrolled Bills have compared the enrolled with the engrossed copy of bill No. 20, a bill to amend sections 24 and 31 of an act entitled "an act to provide for the opening, vacating and change of highways," approved June 17, 1852.

Also, Bill No. 111. A bill providing for the colonization of free negroes, making appropriations therefor and establishing a colonization agency.

Also, Bill No. 75. A bill to authorize county treasurers to sell delinquent lands, in certain cases to the highest bidder;  
And find the same correctly enrolled.

The following message was received from the House of Representatives, by Mr. Bowes, their Clerk:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the Speaker has signed the following enrolled bills of the House:

Nos. 55, 126, 142, 160, 166, 171, 178, 179, 180, 181, 182, 202 and 208.

Which I am directed to bring to the Senate for the signature of the President thereof.

Whereupon the President affixed his signature thereto.

Also, the following message was received from the House of Representatives:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the Speaker has signed the following enrolled bill of the House No. 78:

Which I am directed to bring to the Senate for the signature of the President thereof.

Whereupon the President affixed his signature thereto.

Mr. Cox, chairman of the committee on Enrolled Bills, made the following report:

MR. PRESIDENT:

The committee on Enrolled bills have compared the enrolled with the engrossed copy of bill No. 118, a bill authorizing the Governor to contract for the erection of an additional number of cells at the penitentiary, and for making certain improvements upon the grounds thereof, and find the same correctly enrolled.

Mr. Brown submitted the following report from the committee on Claims:

MR. PRESIDENT:

The committee on Claims to whom was referred Senate bill No. 3, a bill for the relief of Thomas Hunsucker, have had that subject under consideration, and have directed me to report the same back to the Senate, and recommend that said bill lie on the table.

Which was concurred in by the Senate, and the bill laid on the table.

Mr. Brookshire made the following report from the committee on Finance :

MR. PRESIDENT :

The committee on Claims, to whom was referred the claim of Chauncy H. Noys, have had the same under consideration, and have directed me to report that in the opinion of the committee, the claim is just, but the same has been provided for in the specific appropriation bill; the committee ask to be discharged from a further consideration of the subject.

Which was concurred in.

On motion by Mr. Meeker,

The Senate adjourned untill fifteen minutes past one o'clock.

$\frac{1}{4}$  past 1 o'clock.

The Senate assembled,

And took up Senate bill No. 141, a bill to provide for the election of three commissioners to examine into the condition of the State bonds, the accounts of the Agent of State, discrepancies between the their accounts and those of State Auditor, and any over issue of scrip made by such Auditor or any other person, prescribing some of the duties of said commissioners, and their compensation.

Was read the second time; and,

On motion by Mr. Slater,

Laid on the table.

#### HOUSE BILLS ON SECOND READING.

No. 221. A bill changing the time of holding courts in the fifth judicial circuit.

Was read the second time and ordered to a third reading.

No. 207. A bill to amend the charter of the Evansville and Illinois railroad company.

Was read the second time and ordered to a third reading.

No. 176. An act to prevent the adulteration and the counterfeiting of ardent spirits and frauds therein.

Was read the second time; and,

On motion by Mr. Shields,

Laid on the table.

No. 183. A bill in relation to the construction of bridges over certain navigable streams, and prescribing the penalty for violation of the provisions herein set forth.

Was read the second time and ordered to a third reading.

No. 217. A bill repealing the laws in force local to Fulton county, giving exclusive jurisdiction to justices of the peace over misdemeanors, and extending over said county the laws relating to the jurisdiction and punishment of such misdemeanors, as contained in the Revised Statutes of 1852,

Was read the second time; and,

On motion by Mr. Gibson,

Laid on the table.

No. 222. A bill to amend the charter of the Lawrenceburgh and Upper Mississippi Railroad Company,

Was read the second time; and,

On motion by Mr. Gibson,

Laid on the table.

No. 204. A bill to provide for the distribution of the township law,

Was read the second time and ordered to a third reading.

No. 213. A bill to authorize and request the Governor to exchange the Revised Statutes, Laws, Documentary Journals and Reports of the Supreme Courts of this State with those of the other States of the Union,

Was read the second time and ordered to a third reading.

Leave being granted, Mr. Sullivan introduced the following resolution:

*Resolved*, That the Secretary of the Senate be instructed to call on his excellency the Governor, and request that the Senate bill to authorize J. W. Cummins to arrange the three per cent. fund, be returned to the Senate.

Which was adopted.

The following message was received from the House of Representatives, by Mr. Bowes, their Clerk:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House has concurred in the 1st, 2d, 3d, 4th, 7th, 8th, 11th and 12th, and have refused to concur in the 5th, 6th and 10th engrossed amendments of the Senate to House bill No. 223, "a bill making specific appropriations for the year 1853," and have concurred in the 9th engrossed amendment of the Senate, with an amendment thereto.

In which the concurrence of the Senate is respectfully requested.

On motion by Mr. Gibson,

The Senate concurred in the amendment of the House to the 9th amendment of the Senate.

Mr. Gibson moved that the Senate insist on their 5th, 6th and 10th amendments.

Which was agreed to.

On motion by Mr. Gibson,

A committee of free conference was appointed.

Whereupon the chair appointed Senators Gibson and Shields.

The following message from the House of Representatives was taken up:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House has passed the following engrossed bill of the Senate:

Bill No. 36. A bill providing for serving process upon the officers, directors, attorneys or agents of any railroad company.

Bill No. 102. A bill fixing the time of holding courts of common pleas and the length of the terms thereof, in the several counties of this State.

With sundry engrossed amendments thereto.

In which the concurrence of the Senate is respectfully requested.

The engrossed amendments of the House to the engrossed bills of the Senate Nos. 36 and 102 contained in the foregoing message, were,

On motion,

Concurred in by the Senate.

The following message was received from the House of Representatives, by Mr. Bowes, their Clerk.

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House have passed the following engrossed bills of the Senate, without amendment:

Bill No. 108. An act to repeal certain sections of the law incorporating the town of Cleveland in Hancock county.

Bill No. 140. A bill to provide for the printing, binding and distribution of the laws of the present session of the General Assembly.

The following message was received from his Excellency, the Governor, by Mr. Tarkington, executive messenger:

MR. PRESIDENT :

I am directed by the Governor to inform the Senate that the following bills have been by him signed and approved :

No. 19. An act for the better regulation of telegraph companies and legalizing their former acts.

No. 92. An act to authorize and require clerks of the courts of common pleas, in all cases where the proper record books have not been provided in time for the January term of said court for the year 1853, to transcribe from the original records into the new record books when provided, and to legalize the same.

No. 73. A bill to amend the 17th section of an act entitled "an act prescribing who may make a will, and the effect thereof, what may be devised, and regulating the revocation, admission to probate and contest thereof.

No. 72. A bill requiring county commissioners to perform certain duties in relation to the refunding of taxes wrongfully assessed and collected.

No. 118. An act authorizing the Governor to contract for the erection of an additional number of cells at the penitentiary, and for making certain improvements upon the grounds thereof.

No. 61. An act to change the time of holding circuit courts in the second judicial circuit.

No. 106. An act to amend an act entitled "an act regulating the fees of officers," approved June 16, 1852.

No. 20. An act to amend section 24 and 31 of an act entitled, "an act to provide for the opening, vacation and change of highways," approved June 18, 1852.

No. 83. An act authorizing judges of the circuit courts and courts of common pleas, to appoint master commissioners and defining the duties and fixing the compensation of such master commissioners.

No. 89. A bill to amend an act entitled "an act for the incorporation of cities," approved June 18, 1852.

No. 18. An act to provide compensation to the owners of animals killed or injured by the cars, locomotives, or other carriages of any railroad company in this State.

No. 67. A bill to authorize justices of the peace to issue subpoenas for witnesses to adjoining counties, and fixing their fees.

No. 25. An act to amend section 75 of an act entitled, "an act to revise simplify and abridge the rules, practice, pleadings and

forms in civil cases in the courts of this State, to abolish distinct forms of action at law and for the administration of justice in a uniform mode of pleading and practice, without distinction between law and equity.

No. 66. An act to enable turnpike, plank, gravel and McAdamized road companies, heretofore chartered, who have gone on to construct their roads, but have failed to complete the same within the time specified in their charters, to complete their unfinished roads, and to erect toll gates.

No. 78. A act to amend section 95 of an act entitled "an act to provide for the settlement of decedents' estates, prescribing the rights, liabilities and duties of officers connected with the management thereof, and the heirs thereto, and certain forms to be used in such settlement," approved June 17, 1852.

No. 75. An act to authorize county treasurers to sell delinquent lands in certain cases to the highest bidder.

No. 111. An act providing for the colonization of free negroes, making appropriations therefor, and establishing a colonization agency;

All of which originated in the Senate.

On motion by Mr. Powell,

No. 211. A bill to authorize the voters of Switzerland county to determine the location of the county seat of said county, and to fix the same, and providing for the erection of public buildings should a change of location be made and matters properly belonging thereto; was taken up.

Mr. Powell moved to suspend the rules and read the bill a third time now.

The question being on suspending the rules,

*Those who voted in the affirmative were,*

Messrs. Barnett, Barton, Black, Brookshire, Brown, Butler, Combs, Cox, Cutshaw, Edsall, Edwards, Gant, Gibson, Glazebrook, Greathouse, Griggs, Gordon, Hawthorn, Helm, Hosbrook, Kightley, Meeker, Powell, Reynolds, Robinson, Shallenberger, Shields, Shook, Simpson, Slater, Spann, Vandeventer, Wilson of Harrison, Wilson of Jay, and Witherow—35.

So the rules were suspended, and the bill read a third time.

The question being on the passage of the bill,

*Those who voted in the affirmative were,*

Messrs. Brookshire, Brown, Butler, Combs, Cox, Edsall, Edwards,

Gibson, Greathouse, Griggs, Gordon, Hawthorn, Helm, Hosbrook, Kightley, Meeker, Odell, Powell, Reynolds, Robinson, Shallenberger, Shields, Spann, Sullivan, Vandeventer, Wilson of Harrison, Wilson of Jay and Witherow—28.

*Those who voted in the negative were,*

Messrs. Cutshaw, Gant, Glazebrook, Horton, Humphreys, Shook, and Slater—7.

So the bill passed.

Ordered that the Secretary inform the House thereof.

On motion by Mr. Slater,

Leave of absence was granted Mr. Jackson of Madison.

Mr. Shields made the following report from the committee on Swamp Lands:

MR. PRESIDENT:

The committee on Swamp Lands to whom was referred House bill No. 169, an act supplemental to an act entitled an act to regulate the sale of swamp lands, &c., have had the same under consideration and have instructed me to report the same back and recommend its passage.

Which report was concurred in, and the bill read the third time. The question being on the passage of the bill,

*Those who voted in the affirmative were,*

Messrs. Adams, Barton, Brookshire, Brown, Butler, Combs, Cox, Cutshaw, Edsall, Edwards, Gant, Gibson, Glazebrook, Griggs, Gordon, Hawthorn, Helm, Horton, Hosbrook, Humphreys, Kightley, Meeker, Reynolds, Robinson, Shallenberger, Shields, Shook, Simpson, Slater, Spann, Sullivan, Vandeventer, Wilson of Harrison, Wilson of Jay and Witherow—36.

So the bill passed.

Ordered, that the Secretary inform the House thereof.

The following message from the House of Representatives was taken up:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House insists upon its disagreement to the 5th, 6th and 17th engrossed amendments of the Senate to engrossed bill of the House No. 223, a bill making specific appropriations for the year 1853, and

has appointed Messrs. Buell and Scott a committee of free conference on the part of the House.

#### HOUSE BILLS ON THIRD READING.

No. 221. A bill changing the time of holding courts in the 5th judicial circuit,

Was read the third time.

The question being on the passage of the bill,

*Those who voted in the affirmative were,*

Messrs. Adams, Barton, Black, Brookshire, Brown, Butler, Combs, Cox, Cutshaw, Edsall, Edwards, Gant, Gibson, Glazebrook, Griggs, Hall, Hawthorn, Helm, Horton, Hosbrook, Humphreys, Kightley, Meeker, Odell, Powell, Reynolds, Robinson, Shallenberger, Shields, Shook, Simpson, Slater, Spann, Sullivan, Vandeventer, Wilson of Harrison, Wilson of Jay and Witherow—38.

No Senator voted in the negative.

So the bill passed.

Ordered that the Secretary inform the House thereof.

No. 200. A bill supplemental to an act entitled "an act for the more uniform mode of doing township business.

Was read the third time.

Mr. Wilson of Jay moved to indefinitely postpone the bill,

Which was decided in the negative.

Mr. Robinson moved to lay the bill on the table,

Which was not agreed to.

The question then being on the passage of the bill,

*Those who voted in the affirmative were,*

Messrs. Adams, Black, Brown, Combs, Gibson, Horton, Humphreys, Kightley, Meeker, Reynolds, Robinson, Shallenberger, Shook, Slater, Spann, Sullivan, Vandeventer and Wilson of Harrison—18.

*Those who voted in the negative were,*

Messrs. Barton, Brookshire, Butler, Cox, Cutshaw, Edwards, Gant, Glazebrook, Griggs, Gordon, Hawthorn, Helm, Hosbrook, Odell, Shields, Simpson, Wilson of Jay and Witherow—18.

So the bill did not pass.

No. 82. A bill to regulate the permission of foreign insurance companies to establish agencies within this State,

Was read the third time.

The question being on the passage of the bill,

*Those who voted in the affirmative were,*

Messrs. Adams, Barton, Black, Brown, Combs Edsall, Edwards, Greathouse, Hawthorn, Helm, Hosbrook, Humphreys, Shook, Sullivan, Wilson of Harrison, and Wilson of Jay—17.

*Those who voted in the negative were,*

Messrs. Brookshire, Butler, Cox, Cutshaw, Gant, Glazebrook, Griggs, Gordon, Horton, Kightley, Meeker, Odell, Robinson, Shallenberger, Shields, Simpson, Slater, and Witherow—18.

So the bill did not pass.

No. 174. A bill to provide that the stocks of companies, corporations and bodies politic organized under the laws of this State, whose principal office or president is within this State, shall not be listed by persons holding the same for taxation against them in their individual capacity.

Was read the third time.

The question being on the passage of the bill,

*Those who voted in the affirmative were,*

Messrs. Adams, Black, Brown, Butler, Combs, Edsall, Gant, Gibson, Greathouse, Hawthorn, Helm, Horton, Meeker, Robinson, Shallenberger, and Wilson of Jay—16.

*Those who voted in the negative were,*

Messrs. Barton, Cox, Cutshaw, Edwards, Glazebrook, Gordon, Hosbrook, Kightley, Odell, Shields, Shook, Simpson, Slater, Spann, Sullivan, Vandeventer, and Wilson of Harrison—18.

So the bill did not pass.

No. 191. A bill supplemental to an act entitled "an act for the incorporation of towns, defining their powers, providing for the election of the officers and declaring their duties," approved June 11, 1852.

Was read the third time.

The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Adams, Barton, Black, Brown, Butler, Combs, Edsall, Gant, Gibson, Glazebrook, Greathouse, Griggs, Gordon, Hawthorn,

Helm, Odell, Robinson, Shallenberger, Sullivan, Vandeventer, Wilson of Jay, and Witherow—22.

*Those who voted in the negative were,*

Messrs. Cox, Cutshaw, Edwards, Horton, Hosbrook, Humphreys, Kightley, Meeker, Shields, Shook, Simpson, Slater and Spann—13.

So the bill did not pass.

Mr. Gibson made the following report from a committee of Free Conference:

**MR. PRESIDENT:**

The committee of Free Conference to whom was referred the disagreement of the two Houses relative to House bill No. 223, have directed me to report that they have agreed to recommend that the House concur in the 5th and 10th amendments of the Senate, and that the Senate recede from the 6th amendment thereto.

Which was concurred in by the Senate.

On motion by Mr. Brown,

House bill No. 222 was taken from the table,

A bill to amend the charter of the Lawrenchburgh and Upper Mississippi Railroad Company.

Mr. Brown moved to suspend the rules and read the bill the third time now.

The question being on suspending the rules,

*Those who voted in the affirmative were,*

Messrs. Adams, Barton, Black, Brookshire, Brown, Butler, Combs, Cox, Cutshaw, Edsall, Edwards, Gibson, Greathouse, Griggs, Gordon, Hawthorn, Horton, Hosbrook, Humphreys, Kightley, Meeker, Odell, Robinson, Shallenberger, Shields, Shook, Simpson, Slater, Spann, Sullivan, Vandeventer, Wilson of Harrison, Wilson of Jay and Witherow—34.

Messrs. Gant and Glazebrook voted in the negative.

So the rules were suspended,

The bill read the third time.

The question being on the passage of the bill,

*Those who voted in the affirmative were,*

Messrs. Adams, Barton, Black, Brookshire, Brown, Combs, Cox, Edsall, Edwards, Glazebrook, Greathouse, Griggs, Gordon, Hawthorn, Horton, Hosbrook, Humphreys, Kightley, Meeker, Odell, Robinson, Shallenberger Shields, Shook, Simpson, Slater, Spann, Sullivan, Wilson, of Harrison, and Wilson of Jay—30.

Messrs. Butler, Cutshaw, Gant and Witherow voted in the negative—4.

So the bill passed.

Ordered that the Secretary inform the House thereof.

On motion by Mr. Odell,

The vote was reconsidered by which the Senate refused to pass House bill No. 200, a bill supplemental to an act entitled an act for the more uniform mode of doing township business.

The question being on the passage of the bill,

*Those who voted in the affirmative were,*

Messrs. Adams, Barton, Black, Brown, Combs, Edsall, Edwards, Gant, Glazebrook, Greathouse, Griggs, Gordon, Horton, Humphreys, Kightley, Odell, Shallenberger, Shields, Shook, Slater, Spann, Sullivan, Vandeventer and Wilson of Harrison—24.

*Those who voted in the negative were,*

Messrs. Brookshire, Butler, Cox, Cutshaw, Hawthorn, Helm, Hosbrook, Meeker, Robinson, Simpson, Wilson of Jay and Witherow—12.

So the bill did not pass.

On motion by Mr. Shields,

The vote was reconsidered by which the Senate refused to pass House bill No. 174.

The question being, shall the bill pass?

*Those who voted in the affirmative were,*

Messrs. Brown, Butler, Combs, Cutshaw, Edwards, Gant, Glazebrook, Greathouse, Griggs, Gordon, Hawthorn, Helm, Horton, Hosbrook, Humphreys, Kightley, Meeker, Odell, Robinson, Shallenberger, Shields, Simpson, Sullivan, Wilson of Harrison, Wilson of Jay and Witherow—26.

*Those who voted in the negative were,*

Messrs. Barton, Black, Cox, Gibson, Shook, Slater, Spann, and Vandeventer—S.

So the bill passed.

Ordered that the Secretary inform the House thereof.

Senate bill No. 120 was taken up, a bill granting the right of way to the Ohio and Indianapolis railroad company to construct a railroad through the grounds of the State surrounding the Asylum for the deaf and dumb.

The question being on concurring in the amendments of the House,

Mr. Gibson moved to concur with the following amendment:

Add to the title,

And to authorize railroads to run through the swamp lands of the State.

Which was agreed to.

Mr. Cox made the following report from the committee on Enrolled Bills:

MR. PRESIDENT:

The committee on Enrolled Bills have compared the enrolled with the engrossed copy of bill No. 81, a bill to amend section 36 of an act entitled "an act prescribing who may make a will, the effect thereof, what may be devised, regulating the revocation, admission to probate, and contest thereof," approved May 31st, 1852; also,

Bill No. 105. A bill giving the courts of common pleas concurrent jurisdiction with justices of the peace in actions of forcible entry and detainer, and against tenants holding over, and find the same correctly enrolled.

On motion by Mr. Simpson,

House bill No. 207, was taken up,

A bill to amend the charter of the Evansville and Illinois railroad company.

Mr. Simpson moved to suspend the rules and read the bill the third time now.

The question being on suspending the rules.

*Those who voted in the affirmative were,*

Messrs. Barton, Black, Brown, Butler, Combs, Cox, Cutshaw, Edwards, Gant, Gibson, Glazebrook, Greathouse, Griggs, Gordon, Helm, Horton, Hosbrook, Kightley, Meeker, Odell, Robinson, Shallenber-

ger, Shields, Shook, Simpson, Slater, Spann, Sullivan, Vandeventer, Wilson of Harrison, Wilson of Jay, and Witherow—34.

No Senator voted in the negative.

So the rules were suspended and the bill read the third time.

The question then being on the passage of the bill,

*Those who voted in the affirmative were,*

Messrs. Adams, Barton, Black, Brookshire, Brown, Combs, Cox, Cutshaw, Edsall, Edwards, Gant, Glazebrook, Greathouse, Griggs, Gordon, Hawthorn, Helm, Horton, Hosbrook, Kightley, Meeker, Morrison, Robinson, Shallenberger, Simpson, Spann, Sullivan, Vandeventer, Wilson of Harrison and Wilson of Jay—30.

*Those who voted in the negative were,*

Messrs. Butler, Shields, Shook, Slater and Witherow—5.

So the bill passed.

Ordered that the Secretary inform the House thereof.

The following message was received from the House of Representatives, by Mr. Bowes, their Clerk :

**MR. PRESIDENT:**

I am directed by the House of Representatives to inform the Senate that the House have passed the following resolution :

*Resolved*, That the clerk of this House be instructed to call on the Senate to send back to the House, Senate bill No. 42, a bill to authorize J. W. Cummins to proceed to Washington City to arrange the three per cent. fund.

Which was reciprocated by the Senate.

The following message was received from the House of Representatives by Mr. Bowes their clerk :

**MR. PRESIDENT:**

I am directed by the House of Representatives to inform the Senate that the House have refused to concur in the report of free conference, on bill of the House No. 223, a bill making specific appropriations for the year 1853, and have recommitted the said bill back to the committee on Free Conference. and desire the reciprocation of the action on the part of the Senate.

On motion by Mr. Greathouse,

The vote concurring in the report of the committee of Free Conference on the specific appropriation bill for 1853, was reconsidered, and the subject again referred to the committee of Free Conference.

The following message was received from the House of Representatives, by Mr. Bowes their clerk:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the Speaker has signed the following bills of the House, Nos. 81 and 105.

Which I am directed to bring to the Senate for the signature of the President thereof;

Whereupon the President affixed his signature thereto.

Mr. Humphreys moved to reconsider the vote by which the Senate refused to pass House bill No. 214, a bill for the distribution of the census reports of 1840 and 1850 to the counties.

Upon which,

The ayes and noes were demanded by Messrs. Humphreys and Gibson.

*Those who voted in the affirmative were,*

Messrs. Adams, Barton, Black, Brookshire, Brown, Butler, Combs, Cox, Cutshaw, Edsall, Edwards, Gant, Glazebrook, Greathouse, Griggs, Gordon, Hawthorn, Helm, Horton, Hosbrook, Humphreys, Kightley, Meeker, Odell, Robinson, Shallenberger, Shields, Shook, Simpson, Slater, Sullivan, Vandeventer, Wilson of Harrison, Wilson of Jay and Witherow—36.

No Senator voted in the negative.

So the vote was reconsidered.

The question then recurring on the passage of the bill,

*Those who voted in the affirmative were,*

Messrs. Adams, Barton, Black, Brookshire, Brown, Butler, Combs, Cox, Cutshaw, Edsall, Edwards, Gant, Glazebrook, Greathouse, Griggs, Gordon, Hawthorn, Helm, Horton, Hosbrook, Humphreys, Kightley, Meeker, Odell, Robinson, Shallenberger, Shields, Shook, Simpson, Slater, Sullivan, Vandeventer, Wilson of Jay and Witherow—24.

No Senator voted in the negative.

So the bill passed.

Ordered that the Secretary inform the House thereof.

The following message was received from the House of Representatives, by Mr. Bowes, their Clerk:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House has passed the following engrossed bill thereof:

Bill No. 225. An act to repeal an act entitled "an act to locate a State road in the counties of Clay and Owen," approved February 8, 1848.

In which the concurrence of the Senate is respectfully requested.

No. 225, contained in the foregoing message was read the first time.

Mr. Combs moved to suspend the rules and read the bill the second time.

The question being on suspending the rules,

*Those who voted in the affirmative were,*

Messrs. Adams, Barton, Black, Brookshire, Brown, Butler, Combs, Cox, Cutshaw, Edsall, Edwards, Gant, Greathouse, Griggs, Gordon, Hawthorn, Helm, Horton, Hosbrook, Humphreys, Kightley, Meeker, Odell, Robinson, Shallenberger, Shields, Shook, Simpson, Slater, Sullivan, Vandeventer, Wilson of Jay, and Witherow—34.

No Senator voted in the negative.

So the rules were suspended, and the bill read the second time.

Mr. Combs moved to further suspend the rules and read the bill a third time.

The question being on suspending the rules,

*Those who voted in the affirmative were,*

Messrs. Adams, Barton, Black, Brown, Combs, Cox, Cutshaw, Edsall, Edwards, Gant, Gibson, Glazebrook, Greathouse, Griggs, Gordon, Hall, Hawthorn, Helm, Horton, Hosbrook, Humphreys, Kightley, Meeker, Odell, Robinson, Shallenberger, Shields, Shook, Simpson, Slater, Sullivan, Vandeventer, Wilson of Harrison and Wilson of Jay—34.

Messrs. Butler and Witherow voted in the negative.

So the rules were suspended and the bill read the third time.

The question being on the passage of the bill,

*Those who voted in the affirmative were,*

Messrs. Adams, Barton, Black, Brookshire, Brown, Combs, Cox, Cutshaw, Edsall, Edwards, Gant, Gibson, Glazebrook, Greathouse, Griggs, Gordon, Hall, Hawthorn, Helm, Hosbrook, Humphreys, Kightley, Meeker, Odell, Robinson, Shallenberger, Shields, Shook, Simpson, Slater, Sullivan, Vandeventer, Wilson of Harrison, and Wilson of Jay—35.

Messrs. Butler and Witherow voted in the negative—2.

So the bill passed.

Ordered that the Secretary inform the House thereof.

On motion by Mr. Greathouse,

Bill No. 164 was taken from the table.

The question being on the passage of the bill,

*Those who voted in the affirmative were,*

Messrs. Barton, Black, Brookshire, Brown, Combs, Cox, Cutshaw, Edsall, Edwards, Gant, Gibson, Glazebrook, Greathouse, Griggs, Gordon, Hall, Hawthorn, Helm, Kightley, Meeker, Odell, Simpson, Slater, Sullivan, Vandeventer, Wilson of Harrison and Wilson of Jay—27.

*Those who voted in the negative were,*

Messrs. Butler, Horton, Hosbrook, Humphreys, Shallenberger, Shields, Shook and Witherow—8.

So the bill passed.

On motion by Mr. Black,

House bill No. 216, an act to amend an act entitled an act to incorporate the town of Plymouth, Marshall county, was taken up.

Mr. Black moved to suspend the rules and read the bill a second time now.

And the question being upon the suspension of the rules,

*Those who voted in the affirmative were,*

Messrs. Adams, Black, Brookshire, Brown, Butler, Combs, Cox, Cutshaw, Edsall, Edwards, Gant, Gibson, Glazebrook, Greathouse, Griggs, Gordon, Hall, Hawthorn, Helm, Horton, Hosbrook, Humphreys, Kightley, Meeker, Odell, Reynolds, Robinson, Shallenberger, Shields, Shook, Simpson, Slater, Sullivan, Vandeventer, Wilson of Harrison, Wilson of Jay and Witherow—37.

So the rules were suspended and the bill read a second time.

Mr. Black moved to further suspend the rules and read the bill a third time now.

And the question being upon the further suspension of the rules,

*Those who voted in the affirmative were,*

Messrs. Barton, Black, Brown, Butler, Combs, Cox, Cutshaw, Edsall, Edwards, Gant, Gibson, Glazebrook, Greathouse, Griggs, Gordon, Hall, Hawthorn, Helm, Horton, Hosbrook, Humphreys, Kightley, Meeker, Odell, Robinson, Shallenberger, Shields, Shook, Simpson, Slater, Sullivan, Vandeventer, Wilson of Harrison, Wilson of Jay and Witherow—34.

So the rules were suspended and the bill read a third time.

The question being on the passage of the bill,

*Those who voted in the affirmative were,*

Messrs. Barton, Black, Brown, Combs, Edsall, Edwards, Greathouse, Gordon, Hall, Hawthorn, Helm, Humphreys, Odell, Powell, Shallenberger, Simpson, Vandeventer and Wilson of Jay—18.

*Those who voted in the negative were,*

Messrs. Adams, Butler, Cox, Cutshaw, Gant, Glazebrook, Griggs, Horton, Hosbrook, Kightley, Meeker, Robinson, Shields, Shook, Slater, Sullivan, Wilson of Harrison and Witherow—18.

So the bill did not pass.

On motion by Mr. Gibson,

House Bill No. 213, a bill to authorize and request the Governor to exchange the revised statutes, laws, documentary journals and reports of the supreme court of this State with those of the other States of the Union,

Was taken up and read a second time.

Mr. Gibson moved to suspend the rules and read the bill a third time now.

And the question being on the suspension of the rules,

*Those who voted in the affirmative were,*

Messrs. Adams, Barton, Brookshire, Brown, Butler, Combs, Cox, Cutshaw, Edsall, Edwards, Gant, Gibson, Glazebrook, Greathouse, Griggs, Gordon, Hall, Hawthorn, Helm, Horton, Hosbrook, Humphreys, Kightley, Meeker, Odell, Powell, Robinson, Shallenberger,

Shields, Shook, Simpson, Slater, Sullivan, Vandeventer, Wilson of Harrison, Wilson of Jay and Witherow—37.

No Senator voted in the negative.

So the rules were suspended.

The bill was then read a third time.

And the question being on the passage of the bill,

*Those who voted in the affirmative were,*

Messrs. Adams, Barton, Black, Brookshire, Brown, Butler, Combs, Cox, Cutshaw, Edsall, Edwards, Gant, Gibson, Glazebrook, Great-house, Griggs, Hall, Hawthorn, Helm, Horton, Hosbrook, Humphreys, Kightley, Meeker, Odell, Powell, Robinson, Shallenberger, Shields, Shook, Simpson, Slater, Sullivan, Vandeventer, Wilson of Harrison, Wilson of Jay and Witherow—37.

No Senator voted in the negative.

So the bill passed.

Mr. Sullivan moved to suspend the rules and read House bill No. 224 a second time now.

The question being on suspending the rules,

*Those who voted in the affirmative were,*

Messrs. Adams, Barton, Black, Brookshire, Brown, Butler, Combs, Cox, Cutshaw, Edsall, Edwards, Gant, Gibson, Glazebrook, Great-house, Griggs, Gordon, Hall, Hawthorn, Helm, Horton, Hosbrook, Humphreys, Kightley, Meeker, Odell, Powell, Robinson, Shallenberger, Shields, Shook, Simpson, Slater, Sullivan, Vandeventer, Wilson of Harrison, Wilson of Jay, and Witherow—38.

So the rules were suspended,

And the bill read the second time.

Mr. Humphreys moved to further suspend the rules and read the bill the third time.

The question being on suspending the rules,

*Those who voted in the affirmative were,*

Messrs. Adams, Barton, Black, Brookshire, Brown, Butler, Combs, Cox, Cutshaw, Edsall, Edwards, Gant, Gibson, Glazebrook, Great-house, Griggs, Gordon, Hall, Hawthorn, Helm, Horton, Hosbrook, Humphreys, Kightley, Meeker, Odell, Powell, Robinson, Shallenber-

ger, Shields, Shook, Simpson, Slater, Sullivan, Vandeventer, Wilson of Harrison, Wilson of Jay and Witherow—38.

So the rules were suspended and the bill read the third time.  
The question being on the passage of the bill,

*Those who voted in the affirmative were,*

Messrs. Adams, Barton, Black, Brookshire, Brown, Butler, Combs Cox, Cutshaw, Edsall, Edwards, Gant, Gibson, Glazebrook, Greathouse, Gordon, Hall, Hawthorn, Helm, Horton, Hosbrook, Humphreys, Kightley, Meeker, Odell, Powell, Robinson, Shallenberger, Shields, Shook, Simpson, Slater, Sullivan, Vandeventer, Wilson of Harrison, Wilson of Jay and Witherow—36.

No Senator voting in the negative.

So the bill passed.

Ordered that the Secretary inform the House thereof.

Leave being granted Mr. Humphreys made the following report from the committee on Banks:

**MR. PRESIDENT:**

The committee on Banks to whom was referred Senate bill No. 101, ask leave to report the same back for the action of the Senate, and be discharged from its further consideration.

Which was concurred in.

Mr. Brown moved to lay the bill on the table,

Which was agreed to.

Leave being granted Mr. Humphreys made the following report from the committee on Banks:

**MR. PRESIDENT:**

The committee on Banks to whom was referred Senate bill No. 94, a bill to repeal an act entitled "an act to authorize and regulate the business of general banking," approved May 28, 1852, ask leave to report the same back and ask to be discharged from its further consideration.

Mr. Black moved to lay the bill on the table;

Upon which,

The ayes and noes were demanded by Messrs. Edwards and Black.

*Those who voted in the affirmative were,*

Messrs. Black, Brookshire, Combs, Edsall, Greathouse, Griggs,

Hall, Helm, Hosbrook, Kightley, Meeker, Odell, Powell, Robinson, Shallenberger, Simpson, Williams and Wilson of Harrison—18.

*Those who voted in the negative were,*

Messrs. Adams, Barton, Brown, Butler, Cox, Cutshaw, Edwards, Gant, Gibson, Glazebrook, Gordon, Hawthorn, Horton, Humphreys, Shields, Shook, Slater, Sullivan, Vandeventer and Witherow—20.

So the bill was not laid on the table.

The bill was then ordered to be engrossed.

Mr. Gordon moved to suspend the rules and read House bill No. 106 a second time now.

A bill giving validity to the alterations made and omissions supplied in the Revised Statutes, and in the code of civil and criminal practice of 1852, by the persons superintending the publication of the same.

The question being on suspending the rules,

*Those who voted in the affirmative were,*

Messrs. Adams, Barton, Black, Brookshire, Brown, Butler, Combs, Cox, Cutshaw, Edsall, Edwards, Gant, Gibson, Glazebrook, Greathouse, Griggs, Gordon, Hall, Hawthorn, Helm, Horton, Hosbrook, Humphreys, Kightley, Meeker, Odell, Powell, Robinson, Shallenberger, Shields, Shook, Simpson, Slater, Sullivan, Vandeventer, Wilson of Harrison, Wilson of Jay and Witherow—38.

So the rules were suspended, and the bill read the second time.

Mr. Greathouse moved to further suspend the rules, and read the bill the third time now.

The question then being on suspending the rules,

*Those who voted in the affirmative were,*

Messrs. Adams, Barton, Black, Brookshire, Brown, Butler, Combs, Cox, Cutshaw, Edsall, Edwards, Gant, Gibson, Glazebrook, Greathouse, Griggs, Gordon, Hall, Hawthorn, Helm, Horton, Hosbrook, Humphreys, Kightley, Meeker, Odell, Powell, Robinson, Shallenberger, Shields, Shook, Simpson, Slater, Sullivan, Vandeventer, Wilson of Harrison, Wilson of Jay, and Witherow—38.

No Senator voted in the negative.

So the rules were suspended, and the bill read the third time.

The question being, on the passage of the bill ;

*Those who voted in the affirmative were,*

Messrs. Adams, Barton, Black, Brookshire, Brown, Butler, Combs, Cox, Cutshaw, Edsall, Edwards, Gant, Gibson Glazebrook, Greathouse, Griggs, Gordon, Hall, Hawthorn, Helm, Horton, Hosbrook, Humphreys, Kightley, Meeker, Odell, Powell, Robinson, Shallenberger, Shields, Shook, Simpson, Slater, Sullivan, Vandeventer, Wilson of Harrison, Wilson of Jay and Witherow—38.

So the bill passed.

Ordered that the Secretary inform the House thereof.

Mr. Slater moved to suspend the rules and read House bill No. 183 a third time now.

A bill in relation to the construction of bridges over certain navigable streams, and prescribing the penalty for a violation of the provisions herein set forth.

The question being on suspending the rules,

*Those who voted in the affirmative were,*

Messrs. Adams, Barton, Black, Brookshire, Brown, Butler, Combs, Cox, Cutshaw, Edsall, Edwards, Gant, Gibson, Glazebrook, Greathouse, Griggs, Gordon, Hall, Hawthorn, Helm, Horton, Hosbrook, Humphreys, Kightley, Meeker, Odell, Powell, Robinson, Shallenberger, Shields, Shook, Simpson, Slater, Sullivan, Vandeventer, Wilson of Harrison, Wilson of Jay, and Witherow—39.

So the rules were suspended and the bill read the third time.

The question being on the passage of the bill,

*Those who voted in the affirmative were,*

Messrs. Adams, Barton, Black, Brookshire, Brown, Butler, Combs, Cox, Cutshaw, Edsall, Gant, Glazebrook, Greathouse, Gordon, Hall, Hawthorn, Helm, Horton, Hosbrook, Humphreys, Kightley, Meeker, Odell, Robinson, Shallenberger, Shields, Shook, Simpson, Slater, Sullivan, Vandeventer, Wilson of Harrison, Wilson of Jay, and Witherow—34.

Messrs. Edwards, Griggs and Powell voted in the negative.

So the bill passed.

Ordered that the Secretary inform the House thereof.

On motion by Mr. Greathouse,

The rules were suspended and House joint resolution No. 29, a joint resolution in relation to the industrial exhibition to be held in New York in May next, and in New Orleans in February, 1854,

Was read a third time.

The question being, shall the joint resolution pass?

*Those who voted in the affirmative were,*

Messrs. Barton, Black, Butler, Combs, Cox, Cutshaw, Edsall, Gant, Glazebrook, Greathouse, Gordon, Hall, Hawthorn, Helm, Horton, Hosbrook, Humphreys, Kightley, Meeker, Odell, Powell, Robinson, Shallenberger, Shields, Shook, Simpson, Vandeventer, Wilson of Harrison, Wilson of Jay and Witherow—31.

Messrs. Adams, Brookshire, Edwards, Griggs and Slater voted in the negative—5.

So the joint resolution passed.

Ordered, that the Secretary inform the House thereof.

Mr. Slater moved to suspend the rules and read House bill No. 159 a second time by the title,

A bill giving common pleas courts concurrent jurisdiction with circuit courts in cases of complaints for bastardy, and surety of the peace.

The question being on suspending the rules;

*Those who voted in the affirmative were,*

Messrs. Adams, Barton, Black, Brookshire, Brown, Butler, Combs, Cox, Edsall, Edwards, Gant, Glazebrook, Griggs, Gordon, Hall, Hawthorn, Helm, Horton, Hosbrook, Humphreys, Kightley, Meeker, Odell, Powell, Robinson, Shallenberger, Shields, Shook, Simpson, Slater, Sullivan, Vandeventer, Wilson of Harrison, Wilson of Jay and Witherow—36.

No Senator voting in the negative.

So the rules were suspended and the bill read the second time by the title.

Mr. Black moved to suspend the rules and read the bill the third time now.

The question being shall the rules be suspended;

*Those who voted in the affirmative were,*

Messrs. Adams, Barton, Black, Brookshire, Brown, Butler, Combs, Cox, Edsall, Edwards, Gant, Glazebrook, Greathouse, Griggs, Gordon, Hall, Hawthorn, Helm, Horton, Hosbrook, Humphreys, Kightley, Meeker, Odell, Powell, Robinson, Shallenberger, Shields, Shook,

Simpson, Slater, Sullivan, Vandeventer, Wilson of Harrison, Wilson of Jay and Witherow—36.

No Senator voted in the negative.

So the rules were suspended and the bill read the third time.

The question being on the passage of the bill,

*Those who voted in the affirmative were,*

Messrs. Adams, Barton, Black, Brookshire, Brown, Butler, Combs, Cox, Cutshaw, Edsall, Edwards, Gant, Gibson, Glazebrook, Great-house, Griggs, Gordon, Hall, Hawthorn, Helm, Horton, Hosbrook, Humphreys, Kightley, Meeker, Odell, Powell, Robinson, Shallenberger, Shields, Shook, Simpson, Slater, Sullivan, Vandeventer, Wilson of Harrison, Wilson of Jay and Witherow—38.

No Senator voted in the negative.

So the bill passed.

Ordered that the Secretary inform the House thereof.

Mr. Cox made the following report from the committee on Enrolled Bills:

**MR. PRESIDENT:**

The committee on Enrolled Bills have compared bill No. 140, a bill to provide for the printing, binding, and distribution of the laws of the present session of the General Assembly; also,

Bill No. 108. A bill to repeal certain sections of the law incorporating the town of Cleveland in Hancock county; also,

Bill No. 36. A bill providing for serving process upon the officers, directors, attorneys or agents of any railroad company, and find the same correctly enrolled.

Mr. Meeker submitted the following resolution:

*Resolved unanimously,* That a vote of thanks be tendered to the President of the Senate for the able and impartial manner in which he has presided over this body.

Which was adopted.

The President of the Senate then left the chair, whereupon the Senate proceeded by a *viva voce* vote to the election of a president *pro tem*.

And the following ballot was had,

*Those who voted for Andrew Humphreys were,*

Messrs. Adams, Barton, Black, Brookshire, Brown, Cox, Cutshaw, Edsall, Gibson, Glazebrook, Greathouse, Hall, Horton, Hosbrook, Kightley, Powell, Shallenberger, Shields, Shook, Slater, Spann, Sullivan and Wilson of Jay—22.

*Those who voted for William R. Greathouse were,*

Messrs. Edwards, Gant, Griggs, Gordon, Helm, Kightley, Robinson and Vandeventer—8.

*Those who voted for Mr. Witherow were,*

Messrs. Butler, Combs, Hawthorn, Humphreys, Odell and Simpson—6.

*Those who voted for Mr. Vandeventer were,*

Messrs. Wilson of Harrison and Witherow—2.

Mr. Humphreys having received a majority of all the votes given was declared duly elected President *pro tem.* of the Senate.

Mr. Vandeventer submitted the following resolution :

*Resolved,* That the thanks of the Senate be tendered our Secretary and assistants for the very efficient and satisfactory manner in which they have discharged their duties to the Senate.

Which was adopted.

Mr. Brown submitted the following resolution :

*Resolved,* That the thanks of this Senate be hereby tendered to the principal doorkeeper and the assistants for the diligent and faithful manner in which they have discharged their duties as such officers.

Which was adopted.

Mr. Brown moved to suspend the rules and read Senate bill No. 94, a third time now.

A bill to repeal an act entitled "an act to authorize and regulate the business of general banking," approved May 28, 1852.

The question being on suspending the rules;

*Those who voted in the affirmative were,*

Messrs. Adams, Barton, Black, Brookshire, Brown, Butler, Cox,

Cutshaw, Edwards, Gant, Gibson, Glazebrook, Greathouse, Hall, Hawthorn, Horton, Hosbrook, Humphreys, Kightley, Meeker, Powell, Shook, Slater, Vandeventer, Wilson of Jay and Witherow—26.

Messrs. Combs, Edsall, Odell, and Simpson voted in the negative—4.

There being no quorum voting,

On motion by Mr. Humphreys,

A call of the Senate was ordered.

Mr. Gant moved that the Senate adjourn.

Which was not agreed to.

The Secretary proceeded with the call, when the following Senators answered to their names:

Messrs. Adams, Barton, Black, Brown, Butler, Combs, Cox, Cutshaw, Edsall, Edwards, Gant, Gibson, Glazebrook, Greathouse, Gordon, Hawthorn, Horton, Hosbrook, Humphreys, Kightley, Meeker, Powell, Shook Simpson, Slater, Sullivan, Vandeventer, Wilson of Jay and Witherow.

On motion by Mr. Gibson,

The resolution appointing a committee to investigate the alleged deficit in the State bonds surrendered, was taken from the table; when,

Mr. Gibson offered the following amendment:

Insert in the proper place after the words "personal expenses," "and no member of said committee shall be allowed to charge for more than ninety days."

Which was adopted.

The question being on the adoption of the resolution as amended.

A vote being had there appeared no quorum present.

On motion by Mr. Gibson,

A call of the Senate was ordered.

The Clerk proceeded to the call, when the following Senators answered to their names:

Messrs. Adams, Barton, Black, Brookshire, Brown, Butler, Combs, Cox, Cutshaw, Edsall, Edwards, Gant, Gibson, Glazebrook, Greathouse, Griggs, Gordon, Hawthorn, Horton, Hosbrook, Kightley, Meeker, Odell, Powell, Robinson, Shields, Shook, Simpson, Spann, Sullivan, Vandeventer, Wilson of Harrison, Wilson of Jay and Witherow—34.

On motion by Mr. Sullivan,

The resolution was laid on the table.

The following message was received from the House of Representatives by Mr. Bowes their clerk:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the Speaker has signed Senate bills Nos. 36, 108 and 140; Which I am directed by the House to return to the Senate.

Also, the following message was received from the House of Representatives by Mr. Bowes, their Clerk:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the Speaker has signed the following enrolled bills of the House: Nos. 225, 183, 29, 169, 159, 170, 205, 211, 218, 221, 224, 164, 213, 214, 106, 207, and 222;

Which I am directed to bring to the Senate for the signature of the President thereof.

Whereupon the President affixed his signature thereto.

Mr. Glazebrook, chairman of the committee on Enrolled Bills submitted the following report:

MR. PRESIDENT:

The committee on Enrolled Bills have directed me to report that they have this day presented to the Governor for his signature, Senate bill No. 102, an act fixing the time of holding the courts of common pleas, and the length of the terms thereof, in the several counties of this State.

On motion,

The Senate adjourned.

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SATURDAY MORNING, 9 o'clock, }  
March 5th, 1853. }

The Senate assembled.

On motion by Mr. Meeker,

The reading of the journal was dispensed with.

Mr. Adams submitted the following resolution:

*Resolved*, That the State Printer be directed to print for the use

of the Senate 5000 copies of the veto message of his Excellency the Governor upon returning Senate bill No. 53.

Mr. Edwards moved to strike out "5000" and insert "500."

Mr. Humphreys moved to print the bill in connection with the message.

Mr. Gibson moved to lay the whole matter on the table;

Upon which,

The ayes and noes were demanded by Senators Gibson and Black.

*Those who voted in the affirmative were,*

Messrs. Barton, Black, Butler, Edwards, Gibson, Greathouse, Griggs, Gordon, Hall, Helm, Hosbrook, Meeker, Odell, Powell, Reynolds, Robinson, Simpson, Sullivan, Vandeventer, Williams, Wilson of Harrison, Wilson of Jay and Witherow—23.

*Those who voted in the negative were,*

Messrs. Adams, Brookshire, Brown, Cox, Cutshaw, Edsall, Glazebrook, Hawthorn, Horton, Humphreys, Jackson of Tipton, Kightley, Shallenberger, Shields, Shook, Slater and Spann—17.

So the motion prevailed.

Mr. Gibson made the following report from a committee of Free Conference:

**MR. PRESIDENT:**

The committee of Free Conference to whom was referred the disagreement of the two Houses on House bill No. 223, a bill making specific appropriations for the year 1853, have had the same under consideration and have directed me to report, that the Senate recede from their 6th and 10th engrossed amendments, and that the House concur in the 5th engrossed amendments thereto.

Which was concurred in.

The following message was received from the House of Representatives, by Mr. Bowes, their Clerk:

**MR. PRESIDENT:**

I am directed by the House of Representatives to inform the Senate that the House has concurred in the report of the committee of Free Conference on House bill No. 223, a bill making specific appropriations for the year 1853, to-wit: that the Senate recedes from its 6th and 10th amendments, and that the House concur in the 5th amendment thereto.

Senate bill No. 94, a bill to repeal an act entitled "an act to au-

thorize and regulate the business of general banking," approved May 28, 1852,

Was read the third time.

The question being on the passage of the bill,

*Those who voted in the affirmative were,*

Messrs. Adams, Barton, Brookshire, Brown, Butler, Cox, Cutshaw, Edwards, Gant, Gibson, Glazebrook, Hall, Hawthorn, Helm, Hosbrook, Humphreys, Jackson of Tipton, Odell, Powell, Shallenberger, Shields, Shook, Slater, Spann, Sullivan, Vandeventer, Wilson of Harrison, Wilson of Jay and Witherow—30.

*Those who voted in the negative were,*

Messrs. Black, Combs, Edsall, Greathouse, Gordon, Horton, Kightley, Meeker, Reynolds, Robinson and Simpson—11.

So the bill passed.

Ordered that the Secretary inform the House thereof.

Mr. Gibson submitted the following resolution:

*Resolved*, That the House be respectfully requested to return to the Senate, the message of the Senate returning to the House Senate bill No. 120, with the amendment of the Senate to the amendment of the House.

Which was adopted.

On motion by Mr. Humphreys,

The vote by which House bill No. 82, "a bill to regulate the permission of foreign insurance companies to establish agencies within this State," failed on its passage, was reconsidered.

The question being on the passage of the bill,

*Those who voted in the affirmative were,*

Messrs. Barton, Black, Brown, Combs Edsall, Glazebrook, Great-house Hall, Hawthorn, Helm, Hosbrook, Jackson of Tipton, Powell, Reynolds, Robinson, Shook, Sullivan and Wilson of Harrison—18.

*Those who voted in the negative were,*

Messrs. Brookshire, Butler, Cox, Cutshaw, Edwards, Gant, Griggs, Gordon, Horton, Humphreys, Kightley, Meeker, Odell, Shallenberger, Shields, Simpson, Vandeventer Wilson of Jay and Witherow—19.

So the bill did not pass.

The following message from the House of Representatives was taken up:

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MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House has passed the following engrossed bill of the Senate:

Bill No. 98. A bill fixing the time of holding the circuit courts in the 5th judicial circuit,

With sundry engrossed amendments.

In which the concurrence of the Senate is respectfully requested.

The engrossed amendments of the House to engrossed bill of the Senate No. 98, contained in the preceding message, were concurred in by the Senate.

Also, the following message was received from the House of Representatives:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House refuses to concur in the engrossed amendments of the Senate to House bill No. 220, an act to raise a revenue for State purposes, for the years 1853 and 1854.

On motion by Mr. Humphreys,

The Senate receded from their amendments to House bill No. 220 contained in the foregoing message.

Also the following message was received from the House of Representatives:

MR. PRESIDENT:

I am directed by the House to inform the Senate that the House has reciprocated the resolution of the Senate, calling back Senate bill No. 120, a bill granting the right of way to the Ohio and Indianapolis railroad company to construct their road through the grounds of the State surrounding the Asylum for the Deaf and Dumb."

I hereby return the same with the accompanying message.

On motion by Mr. Gibson,

The vote was reconsidered by which the Senate concurred in the engrossed amendment of the House with an amendment, and the engrossed amendment of the Senate laid on the table.

On motion by Mr. Gibson,

The Senate concurred in engrossed amendment of the House without amendment.

Mr. Reynolds submitted the following resolution:

*Resolved*, That the clerk of the House be requested to return Senate bill No. 94, repealing the free banking law of 1852.

Mr. Shook moved to lay the resolution on the table.

Upon which,

The ayes and noes were demanded by Senators Shook and Odell.

*Those who voted in the affirmative were,*

Messrs. Adams, Barton, Brown, Butler, Cox, Cutshaw, Edwards, Gant, Gibson, Glazebrook, Hall, Hosbrook, Humphreys, Jackson of Tipton, Shallenberger, Shook, Slater, Vandeventer, Williams, Wilson of Jay and Witherow—21.

*Those who voted in the negative were,*

Messrs. Black, Combs, Edsall, Greathouse, Griggs, Gordon, Knightley, Meeker, Reynolds, Robinson, Simpson, and Wilson of Harrison—13.

So the resolution was laid on the table.

Mr. Gibson, chairman of the Judiciary committee, made the following report:

**MR. PRESIDENT :**

The committee on the judiciary to whom was referred Senate bill No. 47, a bill to amend an act entitled an act providing for the settlement of decedents' estates, and prescribing the rights liabilities and duties of officers connected with the management thereof, and certain forms to be used in such settlement, approved June 17th, 1852.

Also, Senate bill No. 84, a bill to repeal the 16th, 17th, 18th, 22d, 23d, 25th, 26th and 27th, sections of an act entitled an act regulating descents and the apportionment of estates, approved May 14th, 1852, and to revise the 4th article of the 28th chapter and 140th and 141st sections of the 6th article of the 28th chapter of the revised statutes of 1843, and to regulate in certain cases the descent of estates.

Also, House bill No. 139, a bill requiring clerks of the circuit courts and courts of common pleas to prepay the postage on letters enclosing any process or order of those courts, and requiring the clerk of the supreme court to prepay the postage on letters enclosing any process, certified copy of any order, opinion or judgment of the court, and prescribing the mode of their reimbursement.

Also, Senate bill No. 41, a bill to amend the law of 1852 concerning the settlement of decedents' estates.

Also, Senate bill No. 138, a bill to amend an act entitled an act to provide for the election and certain duties of prosecuting and district attorneys, approved June 11th, 1852, have had the same under con-

sideration and would now report the same back to the Senate without action.

On motion by Mr. Gibson,

The bills contained in the foregoing message were laid on the table.

Mr. Barton moved to reconsider the vote laying the resolution offered by Mr. Reynolds on the table.

Mr. Reynolds moved a call of the Senate,

Which was not agreed to.

The question being on reconsideration,

*Those who voted in the affirmative were,*

Messrs. Black, Combs, Edsall, Greathouse, Griggs, Gordon, Hawthorn, Kightley, Meeker, Reynolds, Robinson, Sullivan, and Wilson of Harrison—12.

*Those who voted in the negative were,*

Messrs. Adams, Barton, Butler, Cox, Cutshaw, Edwards, Gant, Gibson, Glazebrook, Hall, Hosbrook, Humphreys, Jackson of Tipton, Shallenberger, Slater, Vandeventer, Williams, Wilson of Jay and Witherow—19.

No quorum voting,

On motion by Mr. Reynolds,

A call of the Senate was ordered.

The Secretary proceeded with the call, when the following Senators answered to their names:

Messrs. Adams, Barton, Black, Butler, Combs, Cox, Cutshaw, Edsall, Edwards, Gant, Gibson, Glazebrook, Griggs, Gordon, Hall, Hawthorn, Hosbrook, Humphreys, Jackson of Tipton, Kightley, Meeker, Odell, Reynolds, Robinson, Shallenberger, Shook, Simpson, Slater, Vandeventer, Williams, Wilson of Harrison, Wilson of Jay and Witherow—33.

The absentees being called,

A quorum was found present,

When,

Mr. Hawthorn moved to suspend the call,

Which was agreed to.

The question being on reconsidering the vote.

The ayes and noes were demanded by Senators Reynolds and Barton.

*Those who voted in the affirmative were,*

Messrs. Black, Combs, Edsall, Greathouse, Griggs, Gordon, Kightley, Meeker, Reynolds, Robinson, Simpson and Wilson of Harrison—11.

*Those who voted in the negative were,*

Messrs. Adams, Barton, Butler, Cox, Cutshaw, Edwards, Gant, Gibson, Glazebrook, Harris, Hawthorn, Hosbrook, Humphreys, Jackson of Tipton, Shallenberger, Slater, Sullivan, Vandeventer, Williams, Wilson of Jay and Witherow—21.

No quorum voted.

Mr. Gordon moved that the Senate adjourn,

Which was not agreed to.

A call of the Senate being ordered,

The Secretary proceeded to the call, when the following Senators answered to their names:

Messrs. Adams, Barton, Black, Butler, Combs, Cox, Cutshaw, Edsall, Edwards, Gant, Gibson, Glazebrook, Griggs, Gordon, Hall, Hawthorn, Horton, Hosbrook, Humphreys, Jackson of Tipton, Kightley, Meeker, Odell, Reynolds, Robinson, Shallenberger, Shook, Simpson, Sullivan, Vandeventer, Williams, Wilson of Harrison, Wilson of Jay and Witherow—33.

On motion by Mr. Barton,

The absentees were sent for.

And a quorum being present,

On motion by Mr. Humphreys,

The further call of the Senate was suspended; when,

On motion by Mr. Gibson,

The Senate adjourned.

2 o'clock, P. M.

The Senate met.

Mr. Sullivan submitted the following resolution:

*Resolved*, That the Secretary of the Senate have published for the use of the Senate 200 copies of the titles of all bills that have passed the General Assembly of this session and have been signed by the Governor.

Which was adopted.

The following message was received from the House of Representatives, by Mr. Bowes, their Clerk :

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the Speaker has signed the following enrolled bills of the House, Nos. 220 and 223:

Which I am directed to bring to the Senate for the signature of the President thereof.

Whereupon the President affixed his signature thereto.

Mr. Black submitted the following resolution:

*Resolved*, That as the time approaches when we shall separate, perhaps to meet no more, we deem the present as a fit occasion to express our regret at parting with those for whom we have formed the most endearing attachment; and that the President be requested to call upon Senators at his discretion, to express their sentiments in regard to this painful event, in remarks in each case, not to exceed five minutes.

Which was adopted.

When Senators Wilson of Harrison and Edwards addressed the Senate.

Also, the President of the Senate delivered appropriate remarks on the termination of the labors of the session.

Mr. Cox, from the committee on Enrolled Bills, made the following report:

MR. PRESIDENT:

The committee on Enrolled Bills have compared the enrolled with the engrossed copy of bill No. 20, a bill granting the right of way to the Ohio and Indianapolis Railroad Company, to construct a railroad through the grounds of the State surrounding the Asylum for the Deaf and Dumb.

Also, bill No. 98, a bill to fix the time of holding the circuit courts in the 8th judicial circuit, and find the same correctly enrolled.

The following message was received from the House of Representatives by Mr. Bowes their clerk:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the Speaker has signed the following bills of the Senate Nos. 98 and 120, and I am directed by the House to return the same to the Senate.

On motion,

The Senate adjourned.

MONDAY MORNING, 9 o'clock, }  
 March 7, 1853. }

The Senate assembled.

On motion by Mr. Reynolds,

A call of the Senate was ordered.

The Secretary proceeded to the call; when,

On motion by Mr. Gibson,

The further call was suspended.

The following message was received from his excellency the Governor, by his executive messenger :

MR. PRESIDENT :

I am directed by the Governor to inform the Senate that the following bills have been by him signed and approved :

No. 102. An act fixing the time of holding courts of common pleas, and the length of the terms thereof in the several counties of this State.

No. 108. An act to repeal sections of the law incorporating the town of Cleaveland in Hancock county.

No. 140. An act to provide for the printing, binding and distribution of the laws of the present session of the General Assembly.

No. 81. An act to amend section 36 of an act entitled "an act prescribing who may make a will, the effect thereof, what may be devised, regulating the revocation, admission to probate and contest thereof," approved May 31, 1853.

No. 105. An act giving the courts of common pleas concurrent jurisdiction with justices of the peace in actions of forcible entry and detainer and against tenants holding over.

No. 120. An act granting the right of way to the Ohio and Indianapolis Railroad Company to construct a railroad through the grounds of the State, surrounding the Asylum for the Deaf and Dumb.

No. 98. An act to fix the time for holding the circuit courts in the eighth judicial circuit.

No. 36. An act providing for serving process upon the officers, directors, attorneys or agents of any railroad company.

All of which originated in the Senate.

Mr. Edwards submitted the following resolution :

*Resolved*, That a committee of three be appointed on the part of

the Senate to act with a similar committee on the part of the House of Representatives, to inform his Excellency the Governor, that the General Assembly is about to adjourn *sine die*, and whether he has any further communication to make to either branch of the Legislature, and that the House be requested to reciprocate this resolution. Which was adopted.

And Messrs. Edwards, Cox and Reynolds were appointed on the part of the Senate.

The following message was received from the House of Representatives by Mr. Bowes their clerk :

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House has reciprocated the following resolution of the Senate:

*Resolved.* That a committee of three be appointed on the part of the House to act with a similar committee on the part of the Senate to wait on his excellency, the Governor, and inform him that the two Houses of the General Assembly have gone through with the business of the session, and are ready to adjourn *sine die*, unless he has some further communication to make.

The committee on the part of the House, Messrs. Turpie, Goodman and Farnsley.

Mr. Edwards from a select committee, submitted the following report:

MR. PRESIDENT:

The committee appointed to wait upon his excellency, the Governor, have attended to the duty assigned them, and make the following report:

His excellency would report that he has no further communications to make to the General Assembly, and regrets that the clear expressed will of the people as shown by a decided majority of the Representatives on the most important questions of the session was not carried out by legal enactment.

He wishes the members of both Houses a safe return to their families and constituents.

The following message was received from the House of Representatives by Mr. Bowes, their Clerk:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House has passed the following resolution:

*Resolved*, By the General Assembly of the State of Indiana, that the Governor, Auditor and Treasurer of State, be requested to examine into the stock affairs of the State, and report to the next Legislature, concerning the loss of surrendered bonds, and the excess of scrip.

In which the concurrence of the Senate is respectfully requested.

Which resolution was reciprocated by the Senate.

Mr. Humphreys submitted the following resolution:

*Resolved*, That the Secretary of the Senate inform the House of Representatives, that the Senate have completed the legislative business for which they were assembled, and are now ready to adjourn *sine die*.

Which was adopted.

The following message was received from the House of Representatives by Mr. Bowes their Clerk:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House of Representatives has passed the following resolution:

*Resolved*, That the Clerk inform the Senate that the House have gone through with the legislative business, and are now ready to adjourn *sine die*.

The question being on reciprocating the resolution;

The ayes and noes were demanded,

*Those who voted in the affirmative were,*

Messrs. Barton, Black, Brookshire, Butler, Combs, Cox, Cutshaw, Edsall, Edwards, Glazebrook, Greathouse, Gordon, Hall, Hawthorn, Humphreys, Jackson of Tipton, Kightley, Meeker, Morrison, Reynolds, Robinson Shallenberger, Simpson, Slater, Sullivan, Vandeventer, Wilson of Harrison, Wilson of Jay and Witherow—29.

Messrs. Gibson, Horton, Hosbrook and Shook voted in the negative—4.

So the resolution was adopted.

The president of the Senate then announced the files of the Senate entirely clear, and declared the Senate adjourned *sine die*.

GEORGE L. SITES,

*Principal Secretary.*

WM. D. SHEPHERD,

*Assistant S. S.*



## ERRATA.

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Page 87, top line, for "three" read "two."

Page 116, in the ayes and noes, the name of "Wilson of Jay," in the affirmative, should read "Wilson of Harrison."

Page 290, 12th line from the bottom, for "No. 3," read "No. 37,"

Page 299, for "83," read "68."

Page 336, for "Senate bill No. 72," read "House bill No. 72."

Page 374, for "45," read "43," and for "23," read "32."

Page 383, for "24," read "124."

Page 396, for "90," read "96."

Page 418, 6th line from the bottom, for "37," read "57."

Page 496, second line from the top, for "88," read "83."

Page 612, twenty-first line from the bottom, for "divest" read "divert."



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# BILLS OF THE SENATE.

66

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1	A bill to transfer the business pending in the probate court to the court of common pleas.	3						
2	A bill to transfer criminal cases over which circuit courts have no jurisdiction to courts of common pleas.	46						
3	A bill to amend the act of Thomas Hunsucker.	78	98, 622					
4	A bill to amend the first section of an act entitled "an act concerning the sale of money," approved May 27, 1852, and by such amendment to change the taking of interest at a rate not exceeding ten per cent per annum, when the same is agreed for in writing.	89	102, 107, 135					
5	A bill to amend the fifth judicial circuit, and to fix the time of holding court in this circuit.	101	110, 116, 123	124	143	143	156	Gibson.
6	A bill to provide county treasurers to keep their offices in fire proof buildings, when the same has been provided by the county boards.	102	110, 113	120	153		218	Hosbrook. Shields.
7	A bill to authorize railroad companies to connect with railroads in an adjacent State, and to consolidate their stock.	104	110, 170, 179, 238	244	371	372, 377	452	Gibson.
8	A bill to amend the act of the Governor of Indiana and persons having one-eighth of blood in the blood, in all cases where white persons are parties to a suit.	109	115, 119	119	327		342	Anthony.
9	A bill to provide for filling vacancies in the office of Reporter of the Legislature of the Supreme Court.	115	151					Hawthorn.
10	A bill authorizing alien friends to take lands by descent or devise, and to lease, or to sell, upon condition of their removing to this State, or to convey such lands to some citizen of this State, and providing for the appointment of guardians for such alien friends when minors.	121	{ 126, 185, 272, 387 396					Anthony.
11	A bill to do justice to purchasers of school lands and to enable county auditors to correct errors in the sale of the same.	122	127, 134, 140	140				Gibson.
12	A bill to authorize foreign guardians to sell the real estate of their wards in this State.	125	131	141	302		342	Wilson of Jay.
13	A bill to amend an act entitled "an act to authorize the formation of voluntary associations," approved May 13, 1852.	126		141	309		369	Hendry.
14	A bill to prevent the forfeiture of the charters of mining or manufacturing companies within this State, on account of irregularities in the time and place of meeting of stockholders or directors, or in the							Richardson.



# BILLS OF THE SENATE--Continued.

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*Number.	TITLE.	Introduced.	Proceedings thereon.	Passed Senate.	Passed House.	Other proceedings.	Approved.	By whom introduced.
36	A bill providing for serving process upon the officers, directors, attorneys or agents of any railroad company.....	182	{184, 202, 219, 361 405	466	635		635	Shook.
37	A bill to amend the general law of 1852 concerning insurance companies.....	184	195	206	205		330	Shields. Humphreys.
38	A bill to repeal the general banking law, approved May 28, 1852.....	188	195					Gibson.
39	An act giving circuit courts jurisdiction in all cases of misdemeanors pending before them when the Revised Code of 1852 shall take effect.	193	204	219				Sullivan.
40	A bill to amend an act entitled an act regulating the fees of officers, approved June 16, 1852.....	199	205, 220, 293, 329					Humphreys.
41	A bill to amend the law of 1852, concerning the settlement of decedents' estates.....	199	205, 631					
42	A bill to appoint J. W. Cummins an agent to proceed to Washington City, and procure the re-adjustment of the three per cent. fund, and surplus revenue accounts of Indiana, with the general government, and procure the additional sum or sums of money that may accrue to the State thereby, placed to the credit of the State upon the books of the General Government, and also to provide for the compensation therefor.....	203	216, 228	229	591	242, 624		Wilson of Harrison.
43	A bill to repeal part of the first section of an act to amend an act to incorporate the Lake Michigan, Logansport and Ohio River Railroad company.....	204	216, 258, 266	277	371	378		Barnett.
44	A bill directing how and when stocks belonging to a decedent's estate shall be sold and distributed.....	204	217, 229	229				Gibson.
45	A bill to amend section 23 of an act to provide for the valuation and assessment of the real and personal property, and the collection of taxes in the State of Indiana; for the election of township assessors, appraisers of real property, county treasurers and auditors, and the Treasurer and Auditor of State, approved January 21, 1852.....	204	{217, 229, 254, 383 544					Odell.
46	A bill to amend the third section of an act entitled "an act providing for the organization of circuit courts, the election of judges thereof, and defining their powers and duties," approved June 1, 1852.....	210	217	229				Gibson.
47	A bill to amend an act entitled "an act providing for the settlement of decedents' estates, and prescribing the rights, liabilities and duties of officers connected with the management thereof, and the heirs thereof, and certain forms to be used in such settlement," approved June 17, 1852.....	211	217					Gant.

	211	217	220	301	342	Spenn.
48	A bill to repeal certain acts therein named.					
49	A bill to amend the 3th, 6th, 7th and 10th sections of an act entitled "an act to authorize and regulate the business of general banking," approved May 28, 1852, and to require banks heretofore organized and which have commenced operations under the said act, to comply with the provisions of this act.	215 223	{ 226, 282, 338, 344 345, 347, 353 227, 274			Eds II. Humphreys.
50	A bill to fix the salaries of Supreme judges.	223	227, 245, 250, 262			Slater
51	A bill to provide for the election of a physician to asylums for the Blind and Deaf and Dumb, and fixing his compensation, and defining his duties.	233	246, 379	495	{ 514, 586, 595 604, 607	Gibson. Gibson.
52	A bill to prevent railroad companies from establishing depots or laying tracks nearer than six hundred yards to streams usually navigated by steamboats, at or near any incorporated city of 2500 inhabitants, situate on such stream, without the consent of the common council of such city.	235	253, 266	267		
53	A bill authorizing and regulating suits against the State.	235	252, 267	267	459	Gibson.
54	A bill to amend the 37th section of an act entitled "an act defining misdemeanors, and prescribing punishment therefor," approved June 14, 1852.	237	253, 260			Mecker.
55	A bill to extend the time allowed the Milton and Waterloo Turnpike Company to finish said road, and to amend the 15th section of an act entitled "an act for the incorporation of the Milton and Waterloo Turnpike Company," approved February 11, 1848.	242	253, 264	277	452	Morrison.
56	A bill to amend section 1 and section 12, of an act entitled "an act to authorize the construction of levees and drains."	252	265, 418, 463			Powell.
57	A bill to amend the 22d section of chapter 102 of the Revised Statutes of 1852.	252	265	374		
58	A bill to organize the twelfth judicial circuit, and fixing the time holding the terms of the court of common pleas, where the same would otherwise interfere with the terms of the circuit courts of said circuit.	252	265			Jackson of Madison.
59	A bill to amend an act entitled "an act for the more uniform mode of doing township business," approved May 6, 1852.	252	265, 278	470	459	Roberts.
60	An act to amend an act entitled, "an act for the more uniform mode of doing county business," approved May 6, 1852.	259	265			Horton.
61	A bill to change the time of holding circuit courts in the second Judicial circuit.	259	266	279	636	Gibson.
62	A bill to amend the fourth section of an act entitled "an act touching the relation of guardian and ward," approved June 9, 1852.	259	266, 278	278		Gibson.
63	A bill to repeal an act therein named.	265	276	374	451	Black.
64	A bill to regulate escheated estates.	271	278, 381	399		Gibson.
65	A bill to amend an act therein named.	276	288	366	452	Gibson.
66	A bill to enable turnpike companies, heretofore chartered, who have gone on to construct their roads, but have failed to complete the same within the time specified in their charters, to complete their unfinished roads.	276	289, 318, 335	471	727	Mecker.
67	A bill to authorize justices of the peace to issue subpoenas for witnesses to adjoining counties and fixing their fees.	284	289, 296	300	626	Reynolds.
68	A bill to fix the price of the Indiana Reports.	292	299, 318	335		Brookshire.

# BILLS OF THE SENATE--Continued.

Number.	TITLE.	Introduced.	Proceedings thereon.	Passed Senate.	Passed House.	Other proceedings.	Approved.	By whom introduced.
69	A bill to amend an act to provide for the incorporation of railroad companies, approved May 6, 1852.	292	299, 369	369				Anthony.
70	A bill relative to loaning the common school and surplus revenue fund.	296	299, 304	306				Butler.
71	A bill to amend sections 96 and 123 of the assessment laws, approved June 21, 1852.	297	324, 336					Sullivan.
72	A bill to require county commissioners to perform certain duties in relation to the refunding of taxes wrongfully assessed and collected.	297	324, 367	400	538		636	Richardson.
73	A bill to amend the fifth section of an act entitled "an act prescribing who may make a will and the effect thereof; what may be devised; regulating the revocation, admission to probate, and contest thereof."	297	324, 331	361	539		626	Gibson.
74	A bill to amend the second division of section 211, of the first chapter of part second of the 2d volume of Revised Statutes of 1852.	298	324, 331					Hosbrook.
75	A bill to authorize county treasurers to sell delinquent lands in certain cases, to the highest bidder.	303	325, 352, 370	370	577		627	Sullivan.
76	A bill to authorize the collection of rents.	322	334, 393					Hosbrook.
77	A bill to provide for the election, fixing the compensation, and prescribing the duties of attorney general for the State of Indiana.	324	334, 401	446				Gordon.
78	An act to amend section 95, of chapter 10, of the Revised Statutes of 1852, relative to foreign executors.	324	334, 395, 412	412	591		627	Harris.
79	A bill to amend an act therein named.	324	334					Black.
80	A bill to prevent any person from riding or driving over bridges of 70 feet span, or upwards, faster than a walk.	329	334, 389, 459					Reynolds.
81	A bill to amend section 36 of an act entitled an act prescribing who may make a will, the effect thereof, what may be devised, regulating the revocation, admission to probate, and contest thereof, approved May 31, 1852.	330	334, 395	459	617		655	Witherow.
82	A bill to amend the 4th, 5th, 37th, 47th, 49th, 53d, 38th, 67th, 81st, 540th and 799th sections of an act entitled "an act to revise, simplify and abridge the rules, practice, pleadings and forms in civil cases in the courts of this State, to abolish distinct forms of action at law, and to provide for the administration of justice in a uniform mode of pleading and practice, without distinction between law and equity," approved June 18, 1852.	331	343, 363	364	617			Gibson.
83	A bill authorizing judges of the circuit courts and courts of common pleas to appoint master commissioners, and defining their duties and compensation.	332	343	364	538		626	Griggs.

84	A bill to repeal the 16th, 17th, 18th, 22d, 23d, 25th, 26th and 27th sections of an act entitled "an act regulating descents and the apportionment of estates," approved May 14th, 1852, and to revive the 4th article of the 28th chapter, and the 140th and the 141st sections of the 6th article of the 28th chapter of the Revised Statutes of 1843, and to regulate, in certain cases, the descent of estates.....	333	343, 651.			Edwards.
85	A bill to provide for the investing of the common school fund in the bonds of the State of Indiana.....	333	343, 416, 464	464		Sullivan.
86	A bill supplemental to an act entitled "an act to establish courts of common pleas, and defining the jurisdiction and duties of, and providing compensation for the judges thereof," approved May 14, 1852.	333	343			Anthony.
87	A bill to authorize turnpike and plank road companies to commence work at any point on said turnpike or plank roads.....	334	343			Powell.
88	A bill to amend an act entitled "an act for the incorporation of cities," approved June 18, 1852, amending sections 8, 9, 18, 21, 29, 30, 32, 33, 45, 50, 77, 84 and 88.....	341	360			Gibson.
89	A bill to amend an act entitled "an act for the incorporation of cities," approved June 18, 1852.....	341	360, 380	397	538	Morrison.
90	A bill to amend section 799, of chapter 1st, part 2d, of the 2d volume of the Revised Statutes of 1852.....	341	360, 395			Vandeventer.
91	A bill to amend an act entitled "an act in relation to the taxation of lands in towns and cities," approved June 18, 1852.....	341	360, 454			Hosbrook.
92	A bill to authorize and require clerks of courts of common pleas, in cases where the proper record books have not been provided in time for the January term of said court, for the year 1853, to transcribe from the original records into the new record, when provided, and legalize the same.....	341	360, 393	460	551	Wilson of Jay.
93	A bill directing satisfaction to be entered of a certain decree therein named.....	341	{ 360, 470, 485, 503 350			Reynolds.
94	A bill to repeal an act entitled "an act to authorize and regulate the business of general banking," approved May 28, 1852.....	344	{ 360, 417, 640, 645 648	649	630	Edwards.
95	A bill fixing the salary of the private secretary of the Governor.....	353	368	384		Gibson.
96	A bill amendatory of and supplemental to an act entitled "an act to incorporate the Indiana Cotton Mills," approved February 15, 1848.....	353	368, 380	396	457	Edwards.
97	A bill for the preservation of newspapers in county auditors' offices published in each county.....	353	368, 390, 460			Cox.
98	A bill to fix the time of holding the circuit courts in the 8th judicial circuit.....	353	368, 385	502	650	Odell.
99	A bill giving the court of common pleas jurisdiction to hear and determine application for divorce.....	365	368	384		Gibson.
100	A bill to amend an act providing for the appointment of deputies for certain officers, and prescribing their duties and liabilities, approved May 13, 1852.....	365	369, 395	461		Hosbrook.
101	A bill to prevent the circulation, within this State, of bank notes of a less denomination than five dollars, issued without this State.....	365	369, 640			Morrison.
102	A bill fixing the time of holding the courts of common pleas, and the length of the terms thereof in the several counties of this State.....	367	{ 369, 409, 426, 469 502	520	625	Gibson.
103	A bill to increase the salary and the amount of the bond of State Librarian.....	368	382, 394, 446	446		Hawthorne.

# BILLS OF THE SENATE—Continued.

674

Number.	TITLE.	Introduced.	Proceedings thereon.	Passed Senate.	Passed House.	Other proceedings.	Approved.	By whom introduced.
104	A bill to amend the 4th section of an act prescribing the duties and fixing the compensation of State Agent, approved June 19, 1852.....	375	382, 527					Hendry.
105	A bill giving to the courts of common pleas concurrent jurisdiction with justices of the peace in actions of forcible entry and detainer, and against tenants holding over.....	375	382, 403	464	621		655	Griggs.
106	A bill to amend an act entitled an act regulating the fees of officers, approved June 16, 1852.....	381	391, 411, 412, 429 7450, 452, 454	455	513		626	Gordon.
107	A bill to amend an act entitled "an act regulating the fees of officers," approved June 16, 1852.....	381	391, 411, 412					Jackson of Tipton.
108	A bill to repeal certain sections of the law incorporating the town of Cleveland, in Hancock county.....	385	391, 456, 468	468	625		655	Jackson of Madison.
109	A bill authorizing Railroad companies to change their names.....	385	391, 403	404	451		452	Jackson of Madison.
110	A bill to authorize the president of any railroad company to select any swamp or wet lands within five miles of their respective road, and to provide for the time within which said lands shall be paid for.....	385	391, 419					Barnett.
111	A bill providing for the colonization of free negroes, making appropriations therefor, and the establishment of a colonization agency.....	386	391	449	577		627	Greathouse.
112	A bill providing for the sale of the southwest square No. 25, in the city of Indianapolis, subject to an unexpired lease of ten years.....	387	392, 483					Witherow.
113	A bill to repeal an act entitled "an act supplemental to an act entitled an act to provide for the incorporation of railroad companies," approved June 18, 1852.....	388	392, 456					Robinson.
114	A bill to amend section 3 of chapter 3 of the third part of the second volume of the Revised Statutes of 1852, of an act to provide for the election and certain of the duties of prosecuting and district attorneys, A bill declaring what property shall be exempt from execution on contracts made previous to the 4th day of July, 1853, and regulating the manner of claiming the same, by the execution debtor.....	390	410 490					Odell.
115	A bill to amend the 16th section of an act entitled "an act to revise, simplify and abridge the rules, practice and pleadings, and forms in criminal actions in this State," approved June 17, 1852.....	392	410	465				Gibson.
116	A bill providing for the speedy determination by the Supreme Court of the constitutionality of any law of this State.....	394	410, 465					Gibson.
117	A bill authorizing the Governor to contract for the erection of an additional number of cells at the penitentiary, and for making certain improvements upon the grounds thereof.....	403	432, 465	466				Gibson.
118		414	432, 441, 407	468	577		626	Roberts.

119	A bill to prohibit clerks and their deputies of the supreme court and circuit courts, and courts of common pleas within this State, from practicing law in this State.....	416	445, 533, 571				Odell
120	A bill granting the right of way to the Ohio and Indianapolis Railroad company, to construct a railroad through the grounds of the State surrounding the Asylum for the Deaf and Dumb.....	417		466	621	633, 649, 650	Barlow
121	A bill requiring the completion of certain turnpike roads, plank roads and gravel roads therein specified.....	432	445				Cox.
122	A bill fixing the time of holding courts in the third judicial circuit.....	435	467	475			Grathouse
123	A bill to amend section 13, chapter 1, part 4, vol. 2, of the Revised Statutes of 1852, of an act entitled "an act providing for the election and qualification of justices of the peace, and defining their jurisdiction, powers and duties in civil cases....."	436	467, 476				Harris.
124	A bill to regulate the retailing of spirituous liquors, and for the suppression of evils arising therefrom.....	449	467				Reynolds
125	A bill to amend an act entitled "an act to provide against the consequences ensuing, or likely to ensue, from the destruction of books, pamphlets, papers, records, or other writings of any county in this State, or of any circuit, probate, commissioner's, or other inferior court of record therein or filed with, or in the legal custody of any officer of any court of this State, and to provide for the perpetuation of testimony relative to the same; and requiring new official bonds to be given in cases where the bonds of officers, executors, administrators and guardians have been destroyed," approved January 12, 1852.....	451	467, 475	476			Humphreys
126	A bill to provide for the erection of a house of refuge.....	453	510, 515				Gibson.
127	A bill to authorize husbands to convey real estate in certain cases.....	458	475, 513				Sullivan.
128	A bill to repeat certain sections of an act therein named.....	458	475, 509, 516	517			Spanu.
129	A bill to fix the fees of justices of the peace and constables, in certain cases.....	458	471, 512				Brookshire
130	A bill prescribing the length of time necessary to procure a residence for the purpose of voting.....	458	474				Robinson
131	A bill requiring a final record to be made in certain cases, by the clerks of the circuit courts and courts of common pleas.....	459	474				Griggs.
132	A bill to provide for the more speedy publication of the Revised Statutes of 1852.....	459	474, 509	516			Barlow.
133	A bill regulating the practice of law in certain cases therein named.....	483	503, 517	518			Gibson.
134	A bill to provide for the manner in which railroad companies may consolidate stock.....	495	515				Anthony
135	A bill to amend sections 1, 4 and 33 of an act for the government of the Indiana Hospital for the Insane, and the care of the Insane of Indiana, approved January 15, 1852.....	495	515, 540	540			Horton.
136	A bill to regulate the crossings of railroads over public highways, and private roads.....	499	518	519			Shields
137	A bill prescribing the manner of reporting to the General Assembly, by the Superintendent of the Hospital for the Insane, the Institute for the Education of the Blind and the Asylum for the Deaf and Dumb.	530	534	570			Barlow.
138	A bill to amend an act entitled "an act to provide for the election and certain duties of prosecuting and district attorneys....."	531	534, 651				Griggs.

# BILLS OF THE SENATE—Continued.

<i>Number.</i>	<i>TITLE.</i>	<i>Introduced.</i>	<i>Proceedings thereon.</i>	<i>Passed Senate.</i>	<i>Passed House.</i>	<i>Other proceed- ings.</i>	<i>Approved.</i>	<i>By whom introduced</i>
139	A bill to amend an act entitled "an act dividing the State into counties, defining their boundaries, and defining the jurisdiction of such as border on the Ohio and Wabash rivers," approved June 7, 1852.....	542	547	548				Wilson of Harrison.
140	A bill to provide for the printing, binding and distribution of the laws of the present session of the General Assembly, together with all general laws remaining in force and not published with the Revised Statutes of 1852.....	550	551, 558	559	625		655	Hosbrook.
141	A bill to provide for the election of three commissioners to examine into the condition of the State bonds, the accounts of the Agents of State, discrepancies between their accounts and those of State Auditor, and an over issue of scrip made by such Auditor or any other person, prescribing some of the duties of such commissioners and their compensation.....	596	623					Shields.

## BILLS OF THE HOUSE.

Number.	TITLE	Other proceedings.			
		Reported from House.	Proceedings thereon.	Passed Senate.	
3	A bill to repeal an act fixing the time of holding circuit courts in the county of Marion, and for other purposes.....	110	115		
4	A bill to amend section thirty of an act entitled "an act to establish courts of common pleas," approved May 14th, 1852.....	171	179		
5	A bill to extend the period within which the President and Directors of the Delphi and Frankfort Plank Road Company, are required to complete the whole of their road, from four to seven years.....	161	167, 183		
7	A bill to change the times of holding the terms of the circuit courts for the several counties in the fifth judicial circuit.....	999	947		
9	A bill to authorize the Treasurer of State to furnish the Agent of State with funds for the payment of the interest on the public debt.....	142	211		
11	A bill to authorize two or more railroad companies to assume a common name, and to sue and be sued, contract and be contracted with, and prosecute their business under such common name.....	132	140, 148	159	
12	A bill to legalize certain State Wabash and Erie Canal certificates.....	132	140	153	
13	A bill to amend an act entitled "an act providing for the appointment of notaries public, and defining their powers and duties," approved January 9, 1852, amending section 2, and repeating section 3, of said act.....	210	218, 249	268	
16	A bill to amend the 9th section of an act entitled "an act to provide for electing electors for President and Vice President of the United States," approved May 20, 1852, changing the time prescribed in said section for the assembling of said electors to cast the electoral vote of the State.....	154	161	190	
17	A bill to give livery stable keepers, and others engaged in the feeding of cattle, horses, hogs, and other live stock, a lien upon the same for their services as such, being supplemental to an act concerning liens of mechanics and others, approved May 20, 1852.....	154	161	169	
18	A bill to repeal section 276, article 14, of an act to revise, simplify, and abridge the rules, practice, pleadings and forms in civil cases in the courts of this State, to abolish distinct forms of actions at law, and to provide for the administration of justice in a uniform mode of pleading and practice, without distinction between law and equity, approved June 18th, 1852; and to dispense with the use of seals in conveyances of lands, or of any interest therein, and to define the meaning of all terms importing a seal in contracts obligatory upon individuals, where the same occur in laws now in force or hereafter to be in force.....	186	195, 234		
22	A bill to repeal section 6 of an act entitled "an act defining felonies and prescribing punishment therefor," approved June 10, 1852.....	231	246, 261, 279	280	

# BILLS OF THE HOUSE—Continued.

Number.	TITLE.	Reported from House.	Proceedings thereon.	Passed Senate.	Other proceedings
25	A bill to provide for the enumeration of all the white male inhabitants over the age of twenty one years, in the State of Indiana, in the year 1853, and pay the officers for taking the same.....	163	168, 191, 197, 263, 300, 385	385	476
28	A bill to repeal an act entitled "an act for the relief of certain land owners within the corporate limits of the city of Rising Sun, in Ohio county," approved January 5, 1852.....	231	246, 254, 256, 262	280	
29	A bill to repeal part of section 119 of an act entitled "an act to revise, simplify and abridge the rules, practice, pleadings and forms in criminal actions in the courts of this State," approved June 17, 1852.....	198	297, 298, 254	254	471
31	A bill to change the time of holding courts of common pleas in the district composed of the counties of Vanderburgh and Warrick, and to authorize an extra term of said court in each of said counties.....	162	168	180	
35	A bill to provide for annual reports of State officers, branches of State Bank, and benevolent institutions, to be made to the Governor.....	187	196, 213	221	234
37	A bill to change the time of holding circuit courts in the tenth judicial circuit.....	198	207, 215, 236, 254	255	290, 408
42	A bill to amend an act entitled "an act to establish and regulate ferries," approved June 17, 1852.....	232	247, 271	287	
43	A bill to fix the time of holding courts in the ninth judicial circuit, and the length of the terms.....	187	196, 202	222	
41	A bill to amend an act entitled "an act to authorize boards doing county business to declare water courses navigable....."	222	227, 319		
45	A bill to amend an act entitled "an act touching official bonds and oaths," approved June 9, 1852.....	187	196, 239	235	
46	A bill to amend an act entitled "an act for the incorporation of insurance companies, defining their powers, and prescribing their duties," approved June 17, 1852.....	232	232, 281	281	
47	A bill to authorize the relocation of the seat of justice of the county of Clay, and to authorize the receiving of subscriptions and donations for the erection of public buildings in said county.....	232	247, 248, 307, 246, 356	370	476, 501
48	A bill to amend an act entitled "an act to provide for the erection and repair of bridges, approved May 22, 1852....."	302	325, 404, 491	491	
49	A bill to authorize voluntary associations to hold and convey property and to pass and enforce by-laws for their benefit.....	222	227, 250	268	
51	A bill to amend an act entitled "an act to provide for the organization of county boards, and prescribing some of their powers and duties," approved June 17, 1852.....	231	247, 263	281	
52	A bill to amend an act entitled "an act for the incorporation of towns, defining				

53	their powers, providing for the election of the officers thereof, and declaring their duties," approved June 11, 1852.....	222	227, 250	208
	A bill amendatory of the sixth section of an act entitled "an act to authorize and limit allowances by courts and boards, and drafts upon county treasurers," approved May 27, 1852, and authorize allowances to poor persons in certain cases.....	209	217, 226	255
55	A bill to amend an act entitled "an act for the government of the Indiana Hospital for the Insane," approved January 15, 1852.....	222	227, 435, 500, 519	541
57	A bill to attach township No. 1, north of range 8 west, and sections number 31, 32, 33, 34, 35 and 36, in township No. 2, north of range 8 west, now constituting a part of the county of Knox, shall be attached to and constitute a part of the county of Pike.....	222	227, 419, 492	287
59	A bill to punish and prevent frauds in the use of false stamps and labels.....	231	247, 271	301
62	A bill to enable illegitimate children to inherit in certain cases and to authorize the court of common pleas to make certain orders.....	237	274	288
65	A bill to amend an act entitled "an act in relation to county treasurers," approved June 4, 1852.....	222	226, 237	
69	A bill to amend an act entitled "an act to enable trustees to receive lands and donations, and convey the same, for the use of schools, colleges, religious societies, Masonic and Odd Fellows' Lodges, Sons and Daughters of Temperance, and for the construction of cemeteries, houses of worship, or other buildings therein mentioned," approved June 17, 1852.....	223	228, 243	256
72	A bill to provide for the compensation of township assessors.....	222	217, 317	
74	A bill to amend section 3 of an act entitled "an act repealing all former acts of the legislature, except those therein named," approved June 18, 1852, and to transfer to the court of common pleas all indictments for misdemeanors pending in the circuit courts of this State, and to provide for the trial of misdemeanors therein occurring prior to the time the act organizing courts of common pleas took effect.....	302	325, 332	
80	A bill to provide for the payment of agents employed to transport fugitives detained under the provisions of the act of Congress approved February 12th, 1793.....	202	225, 286, 406	
81	A bill to provide for the exemption from taxation of the property of Widows and children in certain cases.....	532	536, 557	
82	A bill to regulate the permission of foreign insurance companies to establish agencies within this State.....	295	299, 331, 480, 639, 649	
83	A bill to amend an act entitled "an act for the support and management of the Indiana Institute for the education of the Blind," approved June 18, 1852; also amendatory of an act entitled "an act to provide for the government and support of the institution for the Education of the Deaf and Dumb," approved June 14, 1852.....	283	289, 299, 433	435
84	A bill to prevent the gathering of cranberries on public land in the State of Indiana, before they are ripe.....	295	299, 318, 318, 364	
89	A bill to prohibit the city of Rising Sun from subscribing stock in any company to construct roads leading to or from said city, except on conditions contained in this act, and to amend the 19th section of an act for the more uniform mode of doing township business, approved May 6, 1852.....	283	289, 296, 290, 483, 485	485
90	A bill to provide for an addition to the library at the hospital, for the use of the insane.....	292	325, 389, 484	484
94	A bill amendatory of the second section of an act for the incorporation of cities, approved June 18, 1852, and for a more economical mode of ascertaining the population of such cities, preparatory to the adoption of the provisions of the act herein mentioned, of June 18, 1852.....	295	299	
97		302	325, 380, 400	521

# BILLS OF THE HOUSE—Continued.

Number.	TITLE.	Proceedings thereon.			
		Reported from House.	Passed Senate.	Other proceedings	
99	A bill supplemental to an act entitled "an act for the relief of certain persons therein named," approved February 16, 1848.	473	529	482, 494	
101	A bill to amend an act entitled "an act authorizing the construction of plank, McAdamized and gravel roads," approved May 12, 1852.	305	371	325, 352	
106	A bill giving validity to the alterations made, and omissions supplied in the Revised Statutes, and in the code of civil practice of 1842, by the persons superintending the publication of the same.	592	642	615, 641	
107	A bill to amend section three of an act entitled "an act for the regulation of weights and measures," approved June 9, 1852.	337		344, 469, 505	
109	A bill to amend an act entitled an act to incorporate the Cannelton Steam Mill and Manufacturing Company," approved February 16, 1848, changed to the name of the Troy Manufacturing Company by an act approved January 15, 1849, to enable said company to increase its capital stock to two hundred thousand dollars, and to hold real estate to the amount of fifty thousand dollars, and to manufacture cotton.	472	528	482, 493	
110	A bill to revise and amend an act entitled "an act to authorize and regulate the business of general banking," approved May 28, 1852.	496	573	500, 559, 562, 572	
112	A bill to amend the 5th section of an act entitled "an act for the more uniform mode of doing township business," approved May 6, 1852.	327	491	334, 405	
114	A bill for the relief of Henry Pettenger, of Delaware county, and prescribing the duties of the auditor of said county in relation thereto.	375	504	383, 432	
115	A bill authorizing any person desiring to erect a flouring mill, or other machinery to be propelled by water on his own land, to make a race-way below such mill or machinery through land belonging to other persons, and to regulate the assessment and payment of damages therefor; being an act supplemental to article 41, chapter 1, of part 2, of the Revised Statutes of 1852.	473	506	482	
124	A bill to provide for the selection and empaneling of petit jurors in the court of common pleas, and providing compensation therefor, being supplemental to an act entitled "an act prescribing the manner of empaneling petit jurors, the number and compensation thereof," approved May 20, 1852.	375	504	383, 415	
126	A bill to authorize corporations formed in pursuance of an act entitled "an act to provide for the incorporation of railroad companies," approved May 11, 1852, to file in the office of the Secretary of State, a certified copy of their articles of association, and legalizing the action of such corporations in that respect where such certified copy has been heretofore so filed in lieu of the original articles, and prescribing the effect of such copy.	472	528	482, 527	578, 578

131	A bill to legalize irregularities heretofore occurring in the filing of articles of association of plank road companies.....	472	481, 566	506
133	A bill to provide for the distribution of the school fund for the year ending on the fourth Monday in March, 1853.....	366	363, 404	447
134	A bill to repeal a joint resolution approved February 12, 1848, and abolish the office of State Agent for international literary exchanges.....	347	344, 393	
139	A bill requiring clerks of the circuit courts and courts of common pleas to prepay the postage on letters including any process or order of those courts, and requiring the clerk of the supreme court to prepay the postage on letters including any process, certified copy of any order, opinion or judgment of that court, and prescribing the mode of their reimbursement.....	337	344, 651	
140	A bill to correct and define more correctly the boundary line between the counties of Warrick and Spencer.....	375	382, 390	484
142	A bill to regulate the retailing of spirituous liquors and for the suppression of evils arising therefrom.....	470	476, 503, 508, 511, 521	525 579
144	A bill for the relief of the inhabitants of township twelve north, of range nine west, in Vigo county, Indiana, and providing a receiver for certain school moneys belonging to the common school fund of said township.....	473	476	507
149	A bill authorizing the township trustees in the several townships in this State to administer oaths.....	472	483	507
150	A bill to amend an act entitled "an act authorizing recorders to make out complete or general indexes to records of deeds and mortgages, and to procure and use seals," approved February 16, 1852.....	473	383, 491, 530, 545	545
154	A bill to amend the fourteenth section of an act entitled "an act providing for the incorporation of bridge companies," approved March 9, 1851.....	407	515	541
155	A bill in relation to contracts made by agents or attorneys in fact, under powers of attorney, where the name of the principal has not been employed as the party to be charged, and prescribing the effect of such contracts.....	473	483, 533	
157	A bill in relation to the reservoir in the counties of Gibson and Clay.....	497	498, 499, 541, 542	542
159	A bill giving common pleas courts concurrent jurisdiction with circuit courts in divorce cases, and complaints for bastardy and surety of the peace.....	592	615, 643	644
160	A bill to amend section 4 and section 5 of an act entitled "an act prescribing the powers and duties of coroners," approved May 27, 1852.....	497	498, 561, 512, 527	542 579
164	A bill to repeal an act entitled "an act to amend the charter of the Evansville and Illinois railroad company," approved February 8, 1853.....	532	5 6	
165	A bill to regulate the taking of appeals from the court of common pleas.....	532	536, 573	574
169	A bill supplemental to an act entitled "an act to regulate the sale of swamp lands, &c....."	539	570, 622	638
170	A bill to provide for the conveyance of donation lands adjoining the town of Indianapolis, in cases where the holder of the certificate of purchase therefor is deceased.....	519	570, 590	
171	A bill supplemental to an act entitled "an act concerning real property, and the alienation thereof," approved May 6th, 1852, and providing for the sale and conveyance of the interest of an insane wife in the lands of her husband.....	532	536	574
174	A bill to provide that the stocks of companies, corporations and bodies politic, organized under the laws of this State, whose principal office or president is within the same, shall not be listed by persons holding the same, for taxation, against them in their individual capacity.....	539	570, 630, 632	632

# BILLS OF THE HOUSE--Continued.

Number.	TITLE.	Proceedings thereon.			Other proceedings.
		Reported from House.	Passed Senate.		
175	A bill to provide for the postponement of the Marion circuit court during a part of the session of the supreme court.....	532	575		
176	A bill to prevent the adulteration and the counterfeiting of ardent spirits and frauds therein.....	578			
178	A bill to amend an act providing for the settlement of decedents' estates, prescribing the rights, liabilities and duties of officers connected with the management thereof, and the heirs thereto, and certain forms to be used in such settlement, approved June 17, 1852.....				
179	A bill in regard to criminal prosecutions against the Trustees of the Wabash and Erie canal.....	496	530	607	
180	A bill amendatory of, and supplemental to, an act entitled "an act to provide for a general and uniform system of common schools and school libraries, and matters properly connected therewith," approved June 14, 1852.....	197	493, 515, 519, 534, 549	549	579
181	A bill to consolidate the laws in relation to highways, as also the election and duties of supervisors of the same, in pamphlet form.....	532	537, 553	607	
182	A bill to require draw bridge companies to keep lights at night.....	532	537		
183	A bill in relation to the construction of bridges over navigable streams, and prescribing the penalty for a violation of the provisions herein set forth.....	532	537	575	
191	A bill supplemental to an act entitled "an act for the incorporation of towns, defining their powers, providing for the election of the officers and declaring their duties," approved June 11, 1852.....	578	624	642	
195	A bill to repeal an act entitled "an act to regulate the sale of spirituous liquors in the county of Tippecanoe, approved February 13, 1851.....	540	569, 630		
200	A bill supplemental to an act entitled "an act for the more uniform mode of doing township business,".....	532	537		
202	A bill to amend section 1 of an act entitled "an act for the incorporation of manufacturing and mining companies, and companies for mechanical, chemical and building purposes, approved May 20, 1852.....	540	569, 629, 632		
204	A bill to provide for the distribution of the township laws.....	532	537	575	
205	A bill to amend the 18th, 24th, 25th and 26th sections of an act entitled "an act regulating descents and the apportionment of estates," approved May 14, 1852.....	472	489, 624	483	
207	A bill to amend the charter of the Evansville and Illinois railroad company.....	532	537, 554	555	617
208	A bill to prevent railroad companies from changing their depots, except on certain conditions therein named.....	578	623, 633	634	
211	A bill to authorize the voters of Switzerland county to determine the location of the county seat of said county, and to fix the same, and providing for the erec-	551	570, 593	594	

213	tion of public buildings, should a change of location be made, and matters properly belonging thereto.....	618	627	627
	A bill to authorize and request the Governor to exchange the Revised Statutes, laws, documentary journals and reports of the supreme courts of this State, with those of the other States of the Union.....	578	639	
214	A bill for the distribution of the census reports of 1840 and 1850 to the counties....	578	635	
216	A bill to amend an act entitled "an act to incorporate the town of Plymouth, Marshall county, Indiana,".....	618		
217	A bill regulating the laws in force local to Fulton county, giving exclusive jurisdiction to justices of the peace over misdemeanors, and extending over said county the laws relating to the jurisdiction and punishment of such misdemeanors as contained in the Revised Statutes of 1852.....	578	624	
218	A bill making general appropriations for the years 1853 and 1854.....	619	619, 620	620
220	A bill to raise a revenue for State purposes for the years 1853 and 1854.....	592	615	
221	A bill changing the times of holding the circuit courts in the fifth judicial circuit....	578	623	629
222	A bill to amend the charter of the Lawrenceburgh and Upper Mississippi railroad company.....	578	624, 631	632
223	A bill making specific appropriations for the year 1853.....	592	593, 609	612
224	An act to explain an act entitled "an act authorizing railroad companies to consolidate their stock with the stock of railroad companies in this or in an adjoining State, and to connect their roads with roads of said companies, and to authorize railroad companies to construct their roads on the routes which they may have heretofore surveyed and located, and to use and occupy the same when completed," approved February 27, 1853.....	592	615, 639	640
225	A bill to repeal an act entitled "an act to locate a State road in the counties of Clay and Owen," approved February 8, 1848.....	636	636	637

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Relative to the tax for common school purposes.....	951	Powell.		951
Directing the committee on the State Prison to visit Jeffersonville.....	958	Roberts.		958
Expediency of passing a law authorizing the relocation of county seats.....	959	Hendry.		959
Making certain inquiries of the State Printer.....	960	Adams.		960
Directing the acceptance of the resignation of James S. Brown.....	964	Spain.		964
In regard to the enforcement of a certain section of the Revised Statutes.....	964	Horton.		964
Relative to the assessment and collection of taxes.....	964	Hendry.		964
In relation to amending the assessment law.....	964	Wittelkow.		964
To adjourn over.....	964	Shallenberger.		964
Tendering thanks to Messrs. Winchell and Nichols.....	964	Dumphyreys.		964
To adjourn over.....	972	Shook.		972
Directing a bound copy of each of the Journals of 1851-2, to be delivered to each Senator.....	975	Hawthorn.	976	976
In relation to the price of swamp lands.....	976	Brown.		976
Relative to the confession of judgments.....	986	Anthony.		986
In relation to the distribution of the report of the Trustees of the State University.....	986	Adams.		986
To rescind the contract with the postmaster.....	986	Sullivan.	991	986
To adjourn <i>sine die</i> .....	991	Horton.		991
To adjourn over.....	991	Gibson.	992	992
Relative to dispensing with security from an executor in certain cases.....	995	Gibson.		995
Relative to the draws of bridges over navigable streams.....	998	Gordon.		998
In relation to the estray laws.....	999	Brookshire.		999
Fixing a time to elect Agent of State.....	999	Hawthorn.		999
In relation to amending the laws for the government of the deaf and dumb and blind.....	999	Morrison.	999	999
Relative to amending the road laws.....	999	Jackson of Tipton.		999
Relative to school districts.....	999	Harris.		999
To adjourn over.....	999	Black.	998	998
Relative to property exempted from execution.....	999	Gibson.		999
In relation to appeals from courts of common pleas.....	999	Hendry.		999
In relation to witnesses' fees.....	999	Powell.		999
On the subject of authorizing the Treasurer of State to borrow money.....	999	Gibson.		999
Directing the Secretary of the Senate to report a list of titles of bills.....	999	Sullivan.		999
Relative to the duties of prosecuting and district attorneys.....	999	Gibson.		999
In relation to amending or repealing a certain section in the Revised Statutes.....	999	Ozell.		999
That the State Printer supply each member with a copy of the Revised Statutes.....	999	Brookshire.		999
To furnish each Senator with a bound copy of the Revised Statutes.....	999	Cox.		999
Relative to the jurisdiction of justices of the peace.....	999	Hendry.		999
Directing the Secretary of State to forward per mail to each clerk of the circuit court a copy of the Revised Statutes of 1852.....	999	Hawthorn.	996	996

Relative to decedents' estates.....	368	Odell.	368
Relative to amending the common school law.....	375	Helm.	375
In relation to establishing houses of refuge.....	381	Shields.	381
To adjourn over.....	381	Reynolds.	381
In relation to the taking effect of the Revised Statutes.....	390	Gibson.	390
In relation to prohibiting clerks of courts from practicing law.....	390	Hendry.	390
Relative to amending the Criminal law.....	390	Shields.	390
To adjourn over.....	400	Gibson.	400
To furnish each officer of the Senate and their assistants with a copy of the Revised Statutes.....	406	Horton.	406
To amend the Deaf and Dumb Asylum with gas lights.....	406	Brookshire.	406
Authorizing a certain committee to send for persons and papers.....	419	Parton.	419
Relative to descents.....	423	Hawthorn.	423
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To discharge the clerk of the Judiciary committee.....	424	Edsall.	424
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Directing committee to report back a certain bill.....	425	Morrison.	425
Relative to increasing the salary of the Warden of the Penitentiary.....	431	Edwards.	431
Calling upon the Superintendent of the Hospital for the Insane for certain information.....	445	Gibson.	445
Inquiring as to the right of certain persons to serve out the terms for which they were elected.....	449	Brown.	449
To meet at half past eight and half past one P. M.....	450	Jackson of Tipton.	450
Calling upon the Superintendent of the Hospital for the Insane for certain information.....	450	Jackson of Tipton.	450
To discharge the committee on Printing from further considering the reduction of prices.....	451	Helm.	451
Changing the hour of meeting.....	458	Sullivan.	458
To admit Minerva Webster into the Hospital for the Insane.....	474	Barnett.	474
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To adjourn.....	501	Barnett.	501
To appoint a joint committee to examine the offices of Treasurer, Auditor and Agent of State.....	505	Gibson.	505
Requesting the House to return a certain resolution of the Senate.....	520	Gibson.	520
Calling upon the Agent of State for certain information.....	530	Gant.	530
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Directing the Principal Secretary to report the number of assistants.....	534	Griggs.	534
Directing the Doorkeeper to report the number of assistants.....	545	Hawthorn.	545
Directing an appropriation to inclose the grave of the Hon. A. Kennedy.....	547	Hawthorn.	547
Instructing the President of the Senate to certify the account of Senator Robinson for the full term of 61 days.....	550	Wilson of Harrison.	550
Directing the Judiciary committee to report in a certain case.....	579	Anthony.	579
Directing Mr. Johns to be received into the Hospital for the Insane.....	580	Jackson of Tipton.	580
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Requesting the Governor to return Senate bill No. 42.....	618	Gibson.	618
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Tendering thanks to the Secretary of the Senate and the assistants.....	644	Meeker.	644
Directing the printing of the Governor's veto message on Senate bill No. 53.....	645	Vandeventer.	645
Requesting the House to return a certain message.....	645	Brown.	645
Directing the Secretary to publish a list of the titles of acts passed.....	648	Adams.	648
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# RESOLUTIONS, JOINT, OF THE SENATE.

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1	A joint resolution in relation to the harbor at Michigan City.....	119	197	134				Anthony.
2	A joint resolution on the subject of the right of way.....	172	179					Edwards.
3	A joint resolution on the subject of swamp lands.....	175	184					Edsall.
4	A joint resolution on the subject of a right of way.....	190	184, 194, 200, 203, 220	221	294		319	Edwards.
5	A joint resolution relative to the three per cent. fund.....	190	203					Sullivan.
6	A joint resolution on the subject of a ship canal around the falls of Niagara, connecting Lake Ontario with Lake Erie.....	190	195	207	302		341	Edsall.
7	A joint resolution in relation to the marking in some suitable manner, the spot in which has been deposited the remains of Andrew Kennedy.....	227	253					Wilson of Harrison.
8	A joint resolution asking indemnity from the Congress of the United States for the failure of the title to a portion of the lands heretofore granted by Congress to the State of Indiana for the use of a seminary of learning.....	265	279	279	294		319	Adams.
9	A joint resolution relative to granting pensions to widows and orphans, by the Wabash and Erie Canal, requiring the removal of the timber therefrom.....	290	298	298	471		459	Harris.
10	A joint resolution on the subject of reservoirs in Clay county, erected therefrom.....	291						Humphreys.
11	A joint resolution relative to the duty on railway iron.....	303	326, 400, 407, 411, 546					Edsall.

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3	A joint resolution relative to granting public lands to actual settlers.....	129	142		
3	A joint resolution in reference to the soldiers of the War of 1812, and their heirs.....	133	140		
6	A joint resolution in reference to obtaining permission of the State of Illinois to open the falls and straighten the channel of the Kankakee river above said falls.....	117		167	
8	A joint resolution to instruct our Senators and request our Representatives to procure the passage of a law by Congress to grant lands to actual settlers.....	132	140	152	
9	A joint resolution relative to constructive mileage.....	133	141		
15	A joint resolution asking Congress to grant John Linsey and James Elliott pensions.....	199	257		
17	A joint resolution asking Congress to donate all of the unsold lands in the State of Indiana for common school purposes.....	180	184		269
19	A joint resolution relative to the Michigan City Harbor.....	230	248, 251, 262	272	272
20	A joint resolution relating to the construction of a canal around the Falls of the Ohio.....	230	248, 251	272	272
29	A joint resolution in regard to the industrial exhibition to be held in New York in May next, and in New Orleans in February, 1854.....	621	642	643	

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